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United Nations A/71/262–S/2016/669

General Assembly
Security Council

Distr.: General
1 August 2016

Original: English

General Assembly
Seventy-first session
Item 130 of the provisional agenda*
International Residual Mechanism for Criminal Tribunals

Security Council
Seventy-first year

International Residual Mechanism for Criminal Tribunals

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and of the Security Council the fourth annual report of the International Residual Mechanism for Criminal Tribunals, submitted by the President of the Mechanism in accordance with article 32 (1) of the statute of the Mechanism (see Security Council resolution 1966 (2010), annex 1).

* A/71/150.

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Letter of transmittal

Letter dated 1 August 2016 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the General Assembly and the President of the Security Council

I have the honour to submit the fourth annual report of the International Residual Mechanism for Criminal Tribunals, dated 1 August 2016, to the General Assembly and the Security Council, pursuant to article 32 (1) of the statute of the Mechanism.

(*Signed*) Theodor **Meron**
President

Summary

Fourth annual report of the International Residual Mechanism for Criminal Tribunals

The present annual report outlines the activities of the International Residual Mechanism for Criminal Tribunals from 1 July 2015 to 30 June 2016, which brought to a close the first period of operations of the Mechanism, spanning four years, as prescribed by the Security Council in resolution 1966 (2010). It will be followed by a new, two-year period of operations.

The Mechanism was established by the Security Council to carry out a number of essential functions of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia after the closure of the two Tribunals. Those functions include attending to a wide range of judicial matters, locating and arresting remaining fugitives, providing protection to witnesses, supervising the enforcement of sentences and managing the archives of the two Tribunals.

With branches in Arusha, United Republic of Tanzania, and The Hague, the Netherlands, the Mechanism is operating on two continents and continues to draw upon the best practices of the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and other tribunals, while also actively pursuing new ways to improve its operations, procedures and working methods so as to maximize its effectiveness and efficiency. The Mechanism is guided in its activities by the Security Council's emphasis on it being a small, temporary and efficient structure, whose functions and size will diminish over time, with a small number of staff commensurate with its reduced functions.

During the reporting period, the President supervised matters relating to the management of the Mechanism, coordinated the work of the Chambers, presided over the Appeals Chamber and issued a large number of orders and decisions on issues including the enforcement of sentences, the assignment of counsel and legal aid. The Mechanism's Trial Chambers have been seized of a retrial during the reporting period and of a request for revocation of a referred case, while the Appeals Chamber is seized of two appeals from judgment and has issued a number of decisions in those and other cases. In addition, single judges issued a large number of orders and decisions on a range of matters, including assisting national jurisdictions through ruling on requests for variations of protective measures and requests for access to confidential information.

The Office of the Prosecutor focused on three priorities: (a) locating and arresting fugitives; (b) the expeditious completion of trials and appeals; and (c) assistance to national jurisdictions. The Office of the Prosecutor also continued to perform its responsibilities in respect of other residual functions, including handling the large volume of non-trial and appeal litigation before the Mechanism.

The Registry provided and coordinated the administrative, legal, policy and diplomatic support services for the Mechanism. As part of its substantive functions, the Registry offered protection and support services to witnesses, worked on multiple aspects of the enforcement of sentences handed down by the Tribunals and supported the Tribunals in the preparation of records and archives for transfer to the

Mechanism. As part of its administrative functions, the Registry supported all the organs of the Mechanism in completing recruitment and continued the gradual process of establishing the Mechanism's own self-standing capacity. The Registry is also managing the construction of the new premises for the Arusha branch.

I. Introduction

1. The fourth annual report of the Mechanism outlines the activities of the Mechanism for the period from 1 July 2015 to 30 June 2016, which brings to a close the first period of operations of the Mechanism, spanning four years, as prescribed by the Security Council in resolution 1966 (2010).

2. The Mechanism's mandate includes ensuring the trial of the remaining fugitives. While the International Tribunal for the Former Yugoslavia has no outstanding fugitives charged with serious violations of international humanitarian law, eight individuals indicted by the International Criminal Tribunal for Rwanda are still at large. Three of the eight are expected to be tried by the Mechanism and the cases of the remaining five have been referred to Rwanda for trial.

3. The Mechanism has also been mandated to conduct a number of other judicial activities, consistent with the provisions of its statute and the modalities specified in the transitional arrangements. These activities concern retrials of cases completed by the two Tribunals, appeals of their judgments and sentences, reviews of their proceedings, and contempt of court and false testimony cases.

4. In addition, the Mechanism has been tasked with assuming certain functions of the two Tribunals, including: the protection and support of victims and witnesses who have testified in the Tribunals' cases; management of the Tribunals' archives; supervision of the enforcement of Tribunal sentences; responding to requests for assistance from national authorities; and monitoring cases referred to national courts by the Tribunals.

5. During the reporting period, the Mechanism conducted a range of judicial and other activities within its remit. The Mechanism also further developed its legal and regulatory framework.

II. Activities of the mechanism

A. Organization

6. The Security Council established that the Mechanism would operate for an initial four-year period, starting from 1 July 2012. Unless the Council decides otherwise, the Mechanism shall continue to operate for subsequent periods of two years, following reviews by the Council of the progress of the Mechanism's work, including in completing its functions. The Council completed its first review of the progress of the Mechanism's work in December 2015, as set forth in Security Council resolution 2256 (2015) and reflected in General Assembly resolution 70/227.

7. The Mechanism consists of three organs, which serve both branches of the Mechanism: (a) the Chambers from which single judges can be appointed and trial and appeal benches formed as needed, and which is presided over by the President; (b) the Prosecutor; and (c) the Registry, which provides administrative services to the Mechanism, including the Chambers and the Prosecutor.

8. Each organ is headed by a full-time principal, common to both branches. The President of the Mechanism is Judge Theodor Meron. The Prosecutor for the

Mechanism is Serge Brammertz, who concurrently serves as the Prosecutor of the International Tribunal for the Former Yugoslavia. The Mechanism's Registrar is John Hocking, who concurrently serves as the Registrar of the International Tribunal for the Former Yugoslavia. During the reporting period, the initial terms of appointment of the Mechanism's original principals came to an end. Renewed appointments were made with respect to the President and the Registrar, while Mr. Brammertz was appointed to replace the Mechanism's first Prosecutor, Hassan Bubacar Jallow.

9. The Mechanism has a roster of 25 independent judges, elected by the General Assembly to serve a four-year term. During the reporting period, Judge Seymour Panton was appointed to serve as a judge of the Mechanism following the resignation of Judge Patrick Robinson. At the close of the reporting period, the initial terms of appointment of the judges of the Mechanism came to an end. New appointments were made with respect to all judges of the Mechanism for a term of two years, effective 1 July 2016.

B. Legal and regulatory framework

10. An agreement between the United Nations and the Netherlands concerning the branch of the Mechanism at The Hague was signed on 23 February 2015. Upon its entry into force on 1 September 2016, this agreement will, inter alia, regulate matters relating to the proper functioning of the Mechanism in the Netherlands, facilitate its smooth and efficient functioning and create conditions conducive to the Mechanism's stability and independence.

11. As provided by article 13 of the statute, the judges of the Mechanism may decide to adopt amendments to the Rules of Procedure and Evidence and any such amendments shall take effect upon adoption by the judges of the Mechanism, unless the Security Council decides otherwise. On 18 April 2016, the judges, through remote written procedure, adopted an amendment to rule 24 of the Rules whereby the designated Duty Judge at the Arusha branch of the Mechanism would assume the functions of the President temporarily if the latter were not to remain in office or were unable to carry out the functions of the President.

12. The Mechanism further developed procedures and policies building upon the best practices of both the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. During the reporting period, the Mechanism adopted new practice directions on the procedures for amending the Rules and for implementing rule 110 (B) on the admission of written statements into evidence, respectively. In addition, the Registrar adopted a number of legal aid policies applicable to counsel representing and persons assisting eligible accused persons before the Mechanism.

C. Mechanism Coordination Council

13. Pursuant to rule 25 of the Rules of Procedure and Evidence, the Mechanism Coordination Council is composed of the President, the Prosecutor and the Registrar and meets on an ad hoc basis to coordinate the activities of the three organs of the Mechanism. The Council has met to discuss, inter alia, matters concerning relations with Rwanda and countries of the former Yugoslavia, the strategic plan on acquitted

persons and persons released following enforcement of sentence, and other matters of common concern.

D. Rules Committee

14. Following the issuance in May 2016 of a practice direction on the procedures for amending the Rules, the Mechanism's Rules Committee was reconstituted. The Committee is currently considering a number of proposals for amendments to the Rules.

E. Coordination with other tribunals

15. During the reporting period, the Mechanism has co-existed with both the International Criminal Tribunal for Rwanda, until its closure on 31 December 2015, and the International Tribunal for the Former Yugoslavia and has benefited greatly from its two predecessor institutions, receiving significant operational and administrative support from them. The principals and staff of all three institutions have worked together closely and shared institutional knowledge, expertise and lessons learned, with a view to ensuring that the progressive transfer of functions from the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia to the Mechanism is as efficient and seamless as possible.

III. Activities of the President and the Chambers

A. Principal activities of the President

16. The President, in his capacity as the head of the Mechanism, has engaged in many issues related to the representation and management of the Mechanism. He has represented the Mechanism in a variety of external forums, developed and contributed to the development of various policies and guidance documents, and held regular meetings with the Registrar on operational matters subject to the President's overall authority.

17. As mandated by the statute, during the reporting period, the President submitted two six monthly reports to the Security Council on the progress of the Mechanism and twice briefed the Security Council on the work of the Mechanism, in December 2015 and June 2016. Also as mandated by the statute, the President submitted the Mechanism's annual report to the General Assembly and the Security Council (A/70/225-S/2015/586) and briefed the General Assembly in October 2015. In accordance with a statement by the President of the Security Council of 16 November 2015, the Mechanism submitted a report (S/2015/896) on 20 November 2015 concerning the progress of its work in the initial period, including in completing its functions.

18. During the reporting period, the President engaged with State officials in Arusha, The Hague and other locations, as well as with victims' groups and members of civil society.

19. In his judicial capacity, the President coordinated the work of the Chambers with a view to achieving efficiencies and making best use of the diverse array of

judicial expertise and legal cultures reflected in its roster of 25 judges, including by providing broad and even distribution of judicial work among the judges, ensuring the full readiness of the Chambers in the event of the apprehension of fugitives and working with fellow judges and senior staff to explore ways to maximize smooth and cost-effective functioning of the Chambers more generally, given the Mechanism's novel structure. He also issued numerous assignment orders and ruled on requests for administrative review relating to matters such as the assignment of counsel and the granting of legal aid. In addition, the President presided over the Appeals Chamber and is serving as the pre-appeal judge in the cases of *Radovan Karadžić* and *Vojislav Šešelj*. With respect to the supervision of the enforcement of sentences, the President issued numerous orders and decisions relating to the designation of enforcement States, applications for early release of persons convicted by the International Criminal Tribunal for Rwanda or the International Tribunal for the Former Yugoslavia, and other public and confidential matters. He also addressed reports and complaints concerning the conditions of detention of convicted persons serving sentences under the supervision of the Mechanism.

B. Principal activities of single judges

20. During the reporting period, 16 single judges at the Arusha and Hague branches were seized of and issued orders or decisions in relation to numerous requests concerning assistance to national jurisdictions, the translation of filings, access to confidential information, the variation of protective measures, allegations of contempt and false testimony, changes in the classification of filings, and compensation. Collectively, more than 126 decisions or orders were issued during the reporting period and, as at 30 June 2016, single judges were seized of 12 matters, including three cases involving allegations of contempt or false testimony. A single judge was further assigned to conduct an inquiry into the circumstances surrounding the death of Zdravko Tolimir while in custody at the United Nations Detention Unit in The Hague. A report to the President regarding the findings of the single judge will be issued once all the necessary information is received.

C. Principal activities of the trial chambers

21. On 22 October 2015, a trial chamber at the Arusha branch, composed of Judges Vagn Joensen, presiding, William Sekule and Florence Arrey, issued a decision dismissing Jean Uwinkindi's request for the revocation of his referral to Rwanda. The Trial Chamber issued nine additional decisions or orders in the course of the first-instance proceedings relating to this matter.

22. On 17 December 2015, the President assigned a Trial Chamber at the Hague branch, composed of Judges Burton Hall, presiding, Seon Ki Park and Solomy Balungi Bossa, to conduct the full retrial ordered by the Appeals Chamber of the International Tribunal for the Former Yugoslavia in December 2015 in the case of *Jovica Stanišić and Franko Simatović*. On 18 December 2015, Mr. Stanišić and Mr. Simatović pleaded not guilty at their initial appearance and, on 22 December 2015, the Trial Chamber authorized their provisional release pending trial. The pretrial judge held hearings with the parties on 19 February 2016 and 23 May 2016. The pretrial judge and the Trial Chamber have issued 16 decisions or orders, including on a pretrial work plan, scheduling matters, preliminary motions,

provisional release and the appointment of an independent medical expert. As at 30 June 2016, pretrial proceedings are ongoing.

D. Principal activities of the Appeals Chamber

23. During the reporting period, the Appeals Chamber addressed a number of applications for review of judgment and ancillary matters. On 7 July 2015, the Appeals Chamber denied Milan Lukić's request for review. In relation to this matter, the Appeals Chamber also issued two other decisions, including a decision on 13 November 2015 dismissing Mr. Lukić's request to appeal the decision of 7 July 2015. On 8 July 2015, the Appeals Chamber denied Sreten Lukić's request for review. On 13 July 2015, the Appeals Chamber denied Eliézer Niyitegeka's request for review without prejudice, but granted his request for the assignment of counsel to assist him with a revised request for review. An additional seven decisions or orders relating to protective measures, the assignment of counsel and the reclassification of filings were issued in relation to this case. On 16 November 2015, the Appeals Chamber denied Ferdinand Nahimana's request for review. The Appeals Chamber also issued a confidential decision authorizing the assignment of counsel in relation to another potential request for review and a related order.

24. In addition, the Appeals Chamber considered a number of issues in respect of applications for provisional release from detention. On 22 October 2015, the Appeals Chamber dismissed the Prosecution's appeal of a decision taken by the President in connection with the provisional release of Dragan Nikolić. On 28 January 2016, the Appeals Chamber denied Zdravko Tolimir's request for provisional release. A public, redacted version of this decision and two orders relating to this matter were also issued. On 11 March 2016, the Appeals Chamber granted Radivoje Miletić's request for provisional release. Two other orders relating to this matter were also issued.

25. In respect of other matters, on 8 December 2015, the Appeals Chamber dismissed an appeal by Jean de Dieu Kamuhanda against a decision taken by a single judge on an issue of jurisdiction. In addition, on 17 February 2016, the Appeals Chamber dismissed an appeal by Naser Orić against a decision taken by a single judge in relation to the principle of *non bis in idem*.

26. The Appeals Chamber is seized of appeal proceedings in the case of *Radovan Karadžić* in which the International Tribunal for the Former Yugoslavia issued a trial judgment on 24 March 2016. The Appeals Chamber has granted requests for extensions of time for the filing of notices of appeal in this case, which are due by 22 July 2016. The Appeals Chamber has issued 15 decisions or orders in relation to this case during the pre-appeal proceedings, which are ongoing.

27. The Appeals Chamber is also seized of an appeal by the Prosecution against the acquittal of Vojislav Šešelj by a Trial Chamber of the International Tribunal for the Former Yugoslavia. The Prosecution filed its notice of appeal on 2 May 2016 and briefing is ongoing.

28. As at the conclusion of the reporting period, the Appeals Chamber also remained seized of an appeal filed by Jean Uwinkindi against the Trial Chamber's decision of 22 October 2015 denying his request for the revocation of the referral of his case to Rwanda. As at 30 June 2016, the Appeals Chamber and the pre-appeal

judge have issued eight decisions or orders in relation to this case, in which the briefing is ongoing.

IV. Activities of the Office of the Prosecutor

A. Introduction

29. The reporting period marked the beginning of an intense period of trial and appeal work for the Office of the Prosecutor. Pretrial proceedings in the *Stanišić and Simatović* case have now commenced for the retrial ordered by the Appeals Chamber of the International Tribunal for the Former Yugoslavia on 15 December 2015. The Office also commenced work on appeal proceedings in two cases (*Karadžić* and *Šešelj*) following the issuance of trial judgments by the Tribunal on 24 March and 31 March 2016, respectively. In addition to this trial and appeal activity in The Hague, the Office has been undertaking a high volume of case-related litigation at both branches. Finally, the Office continued its significant efforts to locate and arrest the eight remaining fugitives indicted by the International Criminal Tribunal for Rwanda.

30. The reporting period also marked the beginning of a significant new effort to further streamline operations and reduce costs by effectively integrating the staff and resources of the Office with those of the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia. Since 1 March 2016, the two Offices have been implementing a "one office" approach that will allow staff and resources to be flexibly deployed across both institutions in "double-hatting" arrangements as and when needed based on operational requirements, in accordance with the Security Council's directions set forth in resolution 1966 (2010). Flexible management of all Prosecution staff and resources during the remaining period of co-existence of the Mechanism and the International Tribunal for the Former Yugoslavia is expected to yield some overall cost savings (for example, by reducing recruitment exercises), while also significantly improving the Offices' capacity to respond to any new developments within existing resources. The "one office" approach also provides an important tool to help ameliorate the impact of the ongoing staff attrition.

31. During the reporting period, the Office of the Prosecutor focused on three priorities: (a) locating and arresting fugitives; (b) the expeditious completion of trials and appeals; and (c) assistance to national jurisdictions. The Office continues to rely on the full cooperation of States to successfully carry out its mandate in these areas.

B. Fugitives

32. During the reporting period, the Office of the Prosecutor continued its efforts to locate and arrest the three fugitives whose cases will be tried by the Mechanism: Augustin Bizimana, Félicien Kabuga and Protais Mpiranya. The Office also continued to search for information on the whereabouts of the five fugitives who are currently expected to be brought to trial in Rwanda following their arrest: Fulgence Kayishema, Pheneas Munyarugarama, Aloys Ndimbati, Ryandikayo and Charles Sikubwabo.

33. The Office of the Prosecutor is at present focusing on reviewing existing leads to determine whether they should be further pursued or closed and has begun identifying potential new leads to be followed up in the coming months. The Office continued its public communication efforts concerning the search for the fugitives. The Office also conducted an overall review of its tracking efforts to date to ensure that appropriate priorities are in place and that tracking operations are directed to achieving those priorities. As part of that review, the Prosecutor redeployed resources, from within existing capacity, to further support tracking efforts. State cooperation will be essential to successfully track and arrest the remaining fugitives. In particular, the Office of the Prosecutor must rely on the cooperation of State authorities to conduct arrest operations.

C. Trials and appeals

34. During the reporting period, the Office of the Prosecutor commenced its first trial and appeals proceedings arising out of cases transferred from the International Tribunal for the Former Yugoslavia pursuant to the Mechanism's statute and the transitional arrangements. At The Hague, the Office is conducting one trial (*Stanišić and Simatović*) and two appeals (*Karadžić* and *Šešelj*). It is expected that the Office will also conduct any appeal proceedings in the *Mladić* case following the anticipated rendering of the trial judgment in November 2017.

35. On 15 December 2015, the Appeals Chamber of the International Tribunal for the Former Yugoslavia partially granted the appeal of the Office of the Prosecutor of that Tribunal in the *Stanišić and Simatović* case, revoked the Trial Chamber's judgment and ordered the case to be retried on all counts. Pursuant to the Mechanism's statute and the transitional arrangements, this retrial falls within the jurisdiction of the Mechanism. The Office of the Prosecutor has commenced intensive pretrial preparations in this case. The Pre-Trial Chamber has not yet made a decision on the opening date for the retrial, but one is expected soon.

36. On 24 March 2016, a Trial Chamber of the International Tribunal for the Former Yugoslavia unanimously convicted Radovan Karadžić of genocide, crimes against humanity and war crimes, and sentenced him to a term of imprisonment of 40 years. The defence has indicated that it will file an appeal. The Office of the Prosecutor is currently reviewing the trial judgment to determine whether there are grounds for appeal. At the request of the defence, the pre-appeal judge of the Mechanism granted an extension of 90 days for the filing of notices of appeal in this case, which are thus now due no later than 22 July 2016.

37. On 31 March 2016, a Trial Chamber of the International Tribunal for the Former Yugoslavia, by a majority, acquitted Vojislav Šešelj on all counts of the indictment against him. The Office of the Prosecutor announced its intention to appeal the judgment in a public statement on 6 April 2016 and filed its notice of appeal on 2 May 2016.

38. The Office of the Prosecutor continues to rely on the full cooperation of States to successfully complete its mandate, as set out in article 28 of the Mechanism's statute. The Office's access to documents, archives and witnesses is critical for ongoing Mechanism trial and appeal proceedings. During the reporting period, cooperation by Serbia, Croatia, Bosnia and Herzegovina and Rwanda with the

Office of the Prosecutor remained satisfactory. The Office fully expects that its requests for assistance will be promptly and adequately processed.

39. The Office of the Prosecutor is committed to exploring all reasonable measures within its control to expedite the completion of these trial and appeals proceedings, while recognizing that ultimately it is for the respective Chambers to manage the proceedings and set appropriate deadlines for the parties and themselves. The Office looks forward to receiving projections from the Chambers as to the expected timelines for the ongoing cases.

D. National war crimes prosecutions

1. Monitoring of referred cases

40. Five cases referred by the International Criminal Tribunal for Rwanda under rule 11 bis are currently being processed in the national courts of France and Rwanda. The cases against Wenceslas Munyeshyaka and Laurent Bucyibaruta were referred to France in 2007 and have not yet been completed. The cases against Jean Uwinkindi, Bernard Munyagishari and Ladislas Ntaganzwa were referred to Rwanda in 2012 and 2013, and proceedings are ongoing.

41. Wenceslas Munyeshyaka, an ordained Catholic priest, was indicted by the International Criminal Tribunal for Rwanda in July 2005 on four counts of genocide, rape as a crime against humanity, extermination as a crime against humanity and murder as a crime against humanity. The investigation by the French authorities in the *Munyeshyaka* case has not resulted in these charges being brought against the suspect. On the recommendation of the Paris Public Prosecutor, *the juge d'instruction* on 2 October 2015 confirmed the *non-lieu* dismissal of the case. Civil parties have appealed the ruling and a decision on the appeal is expected in the near future.

42. Laurent Bucyibaruta, the *préfet* of Gikongoro *préfecture*, was indicted by the International Criminal Tribunal for Rwanda in June 2005 on six counts of direct and public incitement to commit genocide, genocide, complicity in genocide, extermination as a crime against humanity, murder as a crime against humanity and rape as a crime against humanity. The investigation by the French authorities remains under way. On the basis of available information, it is understood that the investigation is expected to be completed in the near future.

43. Jean Uwinkindi, a pastor in the Pentecostal Church, was indicted by the International Criminal Tribunal for Rwanda in September 2001 on three counts of genocide, conspiracy to commit genocide and extermination as a crime against humanity. He was transferred to Rwanda for trial on 19 April 2012 and the trial commenced on 14 May 2012. On 30 December 2015, the High Court issued its trial judgment, convicting Mr. Uwinkindi and sentencing him to life imprisonment. The defence will now have the opportunity to appeal that judgment.

44. Bernard Munyagishari, a local leader in the *Mouvement révolutionaire national pour le développement* party, was indicted by the International Criminal Tribunal for Rwanda in September 2005 on five counts of conspiracy to commit genocide, genocide, complicity in genocide, murder as a crime against humanity and rape as a crime against humanity. He was transferred to Rwanda for trial on 24 July 2013. His case remains in the pretrial phase. A number of recent delays have been

attributable to ongoing disputes and litigation regarding the assigned defence counsel.

45. Ladislas Ntaganzwa, the *bourgmestre* of Nyakizu *commune*, was indicted by the International Criminal Tribunal for Rwanda in June 1996, with the amended indictment charging him on five counts of genocide, direct and public incitement to commit genocide, extermination as a crime against humanity, murder as a crime against humanity and rape as a crime against humanity. He was transferred to Rwanda for trial on 20 March 2016.

2. Assistance to national jurisdictions

46. With the closure of the International Criminal Tribunal for Rwanda and the near completion of the mandate of the International Tribunal for the Former Yugoslavia, further accountability for crimes committed in Rwanda and the former Yugoslavia now depends on national justice sectors. In the affected countries, effective prosecution of the crimes committed is of fundamental importance for building and sustaining the rule of law, establishing the truth concerning what occurred and promoting reconciliation. Third-party States are also undertaking prosecutions against suspects present in their territory for crimes committed in Rwanda and the former Yugoslavia. National justice is now essential to achieve greater justice for the victims of horrific atrocities.

47. The Office of the Prosecutor places a high priority on monitoring, supporting and advising national judicial authorities prosecuting war crimes cases arising out of the conflicts in Rwanda and the former Yugoslavia. The Office possesses invaluable evidence and expertise that can greatly benefit national justice efforts. The former Yugoslavia-related evidence collection comprises more than nine million pages of documents and thousands of hours of audio and video records, most of which were not introduced as evidence in any proceeding of the International Tribunal for the Former Yugoslavia and thus are only available from the Office of the Prosecutor. The Rwanda-related evidence collection comprises more than one million pages of documents.

48. During the reporting period, the Office of the Prosecutor continued to receive a high volume of requests for assistance from national judiciaries and international organizations.

E. Other residual functions

49. During the reporting period, the Office of the Prosecutor continued to perform its responsibilities in respect of other residual functions.

50. As previously reported, the volume of non-trial and appeal litigation in the Mechanism continues to be higher than previously expected. One noticeable trend has been the many attempts by convicted persons to obtain review and ultimately revocation of their convictions entered by the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. The Office must carefully monitor and respond to such motions in order to ensure the integrity of the convictions previously obtained.

51. The Office of the Prosecutor also continued to make submissions when invited in relation to the enforcement of sentences of persons convicted by the International

Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, particularly on requests by convicted persons for early release.

52. During the reporting period, the Office of the Prosecutor completed the process of assuming responsibility for all active records and the evidence collection of the Office of the Prosecutor of the International Criminal Tribunal for Rwanda. In the coming months, the files received will be processed and relevant policies will be applied.

V. Activities of the Registry

53. The Registry provided administrative, legal, policy and diplomatic support to Mechanism operations.

A. Administration, staffing and facilities

54. During the reporting period, the General Assembly, by its resolution 70/243, approved the Mechanism's budget presented by the Registrar. In that resolution, the Assembly decided to appropriate to the Special Account for the Mechanism a total amount of US$ 137,404,200 gross (US$ 126,945,300 net) for the biennium 2016-2017.

55. Over the past year, the Mechanism has continued with the development and establishment of its own self-standing administration, with a focus on ensuring efficiency, accountability and consistency. This process is in step with the downsizing of the Tribunals, significant support being provided by "double-hatting" International Tribunal for the Former Yugoslavia administrative staff.

56. Following the closure of the International Criminal Tribunal for Rwanda at the end of 2015, the Arusha branch of the Mechanism assumed responsibility for the general services and security functions that used to be provided by the that Tribunal. Consistent with previous transfers of functions from the Tribunals, this transition occurred seamlessly, without any gap in the provision of services. The Arusha branch will continue to provide these services to the International Criminal Tribunal for Rwanda Liquidation Team for the duration of its existence.

57. The Arusha branch was co-located with the International Criminal Tribunal for Rwanda Liquidation Team over the latter half of the reporting period. In the second half of 2016, the Arusha branch is expected to assume occupancy of its new premises, which, at the close of the reporting period, were in the late stages of construction and being prepared for occupancy. Construction of the new premises was recently rated satisfactory in an audit report of the Office of Internal Oversight Services (OIOS). The project continues to remain within budget and to apply lessons learned and best practices from other United Nations capital projects. The Mechanism submits annual progress reports to the General Assembly on the construction project and posts regular updates on the progress of construction on the Mechanism's website.[1] The Mechanism is deeply grateful for the sustained cooperation of the Government of the United Republic of Tanzania and for the

[1] www.unmict.org/en/about/construction-arusha-facility.

technical advice of the United Nations Secretariat, particularly the Office of Central Support Services and the Office of Legal Affairs.

58. The Hague branch of the Mechanism is co-located with the International Tribunal for the Former Yugoslavia and will continue to be so co-located for the remaining period in which their mandates overlap. The Mechanism sees benefit in remaining at its current premises after the closure of the International Tribunal for the Former Yugoslavia. Discussions with the host State authorities and the owners of the premises to that end are ongoing.

59. As at 30 June 2016, the Mechanism has a total of 331 staff (on posts and in general temporary assistance positions) on board: 156 at the Arusha branch, including the Kigali office, and 175 at the Hague branch. The Mechanism's staff comprises nationals of 63 States. Of the staff at the Professional level and above, 59 per cent are female and 41 per cent male. Approximately 87 per cent of those recruited were current or former staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. Of the Mechanism's 177 continuing posts, 6 (3 per cent) are currently vacant. Recruitment for these posts is ongoing.

B. Support for judicial activities

60. The Registry continued to support judicial activities in both branches by preparing and managing court hearings, including the initial appearance and pretrial hearings in the *Stanišić and Simatović* retrial, and providing support to the *Karadžić* and *Šešelj* appeal proceedings. In early 2016, the Registry also facilitated the successful transfer of an International Criminal Tribunal for Rwanda indictee, Ladislas Ntaganzwa, from the Democratic Republic of the Congo for trial proceedings in Rwanda.

61. The support provided by the Registry included the processing of judicial filings (over 2,330 filings consisting of 20,300 pages in both branches during the reporting period) and the assignment and remuneration of defence teams. Additionally, the Language Support Services provided translations of judgments and other documents into Bosnian/Croatian/Serbian, English, French and Kinyarwanda, as well as other languages, as required. The Kinyarwanda Language Unit was created at the Arusha branch in January 2016, following the closure of the International Criminal Tribunal for Rwanda, to ensure and enhance the Mechanism's capacities in this regard.

62. During the reporting period, the Registry adopted policies governing the remuneration of defence counsel in pre-trial, appeal, and contempt and false testimony proceedings, as well as a policy for the remuneration of persons assisting indigent self-represented accused persons.

63. The Registry continued to support all sections of the Mechanism in the ongoing expansion of rosters of qualified potential staff, in order to ensure that the Mechanism can scale up rapidly in the event of sudden judicial activity, for instance following the arrest of a fugitive.

64. The Registry also expanded the list of qualified counsel who can be assigned to suspects or accused persons under rule 43 (B) of the Rules of Procedure and Evidence of the Mechanism, as well as the roster of duty counsel under rule 43 (C)

who are available to be assigned to an accused person for the purposes of an initial appearance. The Registry also facilitated the engagement of *pro bono* counsel for convicted persons.

C. Support for other mandated activities

1. Witness support and protection

65. The Mechanism is responsible for witness support and protection in relation to thousands of witnesses who have testified in cases completed by the two Tribunals.

66. The Witness Support and Protection Unit provides essential protection and support services. Consistent with judicial protection orders and in close collaboration with national authorities or other United Nations entities, the Unit provides security to witnesses by undertaking threat assessments, coordinating responses to security requirements and safeguarding confidential witness information. In addition, the Arusha branch of the Unit continues to provide support services to witnesses in Kigali, including specialized medical and psychosocial care for witnesses who were victims of sexual or gender-based violence during the Rwandan genocide. The Hague branch supported the International Tribunal for the Former Yugoslavia during the finalization of a pilot study on the long-term impact of giving testimony at the Tribunal. The Arusha branch continues to explore opportunities to extend the project to include witnesses who appeared before the International Criminal Tribunal for Rwanda.

67. At both branches, the Unit continued to contact witnesses in response to requests from national jurisdictions seeking rescission, variation or augmentation of protective measures pursuant to rule 86 of the Rules of Procedure and Evidence of the Mechanism.

68. Finally, as part of the commitment to continue strengthening the maintenance of witness related records received from the Tribunals, the Unit established a common information technology platform for the respective witness databases at each branch. The common information technology platform became fully accessible to both branches in November 2015, the aim being to maximize operational efficiencies across the two branches.

2. Archives and records management

69. During the reporting period, the Mechanism's Archives and Records Section continued to work with the Tribunals on the preparation of their records and archives for transfer to the Mechanism. The Section provided training, advice and practical assistance to staff and facilitated both the transfer of active records to Mechanism offices and the transfer of inactive records to the Section for storage. It is estimated that the archives of the two Tribunals will collectively amount to approximately 10,000 linear metres of physical records and approximately three petabytes of digital records.

70. To date, the Section has received over 96 per cent of the International Criminal Tribunal for Rwanda's and somewhat over 30 per cent of the International Tribunal for the Former Yugoslavia's inactive physical records that are expected to be transferred to the Section. The Section has also completed the transfer of all the digital records of the International Criminal Tribunal for Rwanda, amounting to

1.2 petabytes, and has transferred approximately 80 per cent, 1.48 petabytes, of the digital records of the International Tribunal for the Former Yugoslavia.

71. During the reporting period, the procurement of a digital preservation system, which will ensure the long-term preservation of the Tribunals' digital archives, was completed and progress was made on the development of a unified system for managing the judicial records of both Tribunals and the Mechanism. The Section continued to develop the Mechanism's records and archives governance structure.

72. During the reporting period, the Registry developed a new public interface for access to the judicial records of the Mechanism and the International Criminal Tribunal for Rwanda, making over 27,000 public judicial records accessible via the Mechanism's website. The Section also preserved the over 2,000 audiovisual recordings of the *Karadžić* trial, enabling the International Tribunal for the Former Yugoslavia to make over 1,300 public recordings available online, and the Registry launched the first online exhibition of archives of both Tribunals.

73. In an OIOS audit conducted during the reporting period, the Mechanism's management of the archives and records was rated satisfactory.

74. Finally, the Mechanism maintained its library in Arusha as one of the premier international law research resources in East Africa. The library issued the latest edition of the *International Criminal Tribunal for Rwanda Special Bibliography* in November 2015 and is currently preparing the 2016 edition, which will include resources relating to both Tribunals.

3. Enforcement of sentences

75. During the reporting period, the Hague branch transferred four convicted persons to enforcement States following orders issued by the President. At the end of the reporting period, the Arusha branch was enforcing 28 sentences in two States and the Hague branch was enforcing 18 sentences in nine States. Currently, 10 convicted persons at the United Nations Detention Facility in Arusha and two convicted persons at the United Nations Detention Unit in The Hague are awaiting transfer to enforcement States. On 1 October 2015, the Mechanism assumed responsibility for the management and operations of the United Nations Detention Facility in Arusha. There has been no disruption in services provided to the detainees during or after the transition.

76. Following the transfer to the Government of Senegal in December 2015 of eight prison cells in Sébikotane Prison, refurbished by the International Criminal Tribunal for Rwanda, the Mechanism undertook and completed the procurement of furniture and other necessary assets to furnish the cells for prospective use in the enforcement of sentences under the supervision of the Mechanism.

77. The Mechanism continued both to seek the cooperation of existing enforcement States in enforcing sentences of the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the Mechanism, and to secure additional agreements to increase its enforcement capacity for both branches. On 13 May 2016, the Mechanism concluded an agreement with Mali on the enforcement of sentences of the International Criminal Tribunal for Rwanda or the Mechanism. This agreement reflects best practices in the enforcement of international sentences. Similar agreements are under negotiation with other

enforcement States. The Mechanism is grateful to Member States that are enforcing sentences and to those that are considering enforcing sentences in future.

78. Throughout the reporting period, the Mechanism continued to rely on the Department of Safety and Security and the United Nations Multidimensional Integrated Stabilization Mission in Mali for advice and reports on the security situation in Mali, where 16 convicted persons are serving their sentences under the supervision of the Mechanism.

79. The Mechanism also enforced an outstanding International Tribunal for the Former Yugoslavia contempt sentence during the reporting period. Florence Hartmann, convicted of contempt on 14 September 2009, was arrested on 24 March 2016 and was granted early release after having served two-thirds of her seven-day sentence.

4. Assistance to national jurisdictions

80. The Registry facilitates requests by national authorities, or parties to national proceedings, for assistance in connection with domestic proceedings related to the genocide in Rwanda or the conflicts in the former Yugoslavia. During the reporting period, the Registry processed 120 requests for assistance, including requests to question detained persons and protected witnesses, to rescind, vary or augment protective measures for witnesses and to retrieve and transmit confidential and certified material to national authorities.

5. Upkeep and relocation of acquitted and released persons

81. The Mechanism has continued the efforts undertaken by the International Criminal Tribunal for Rwanda to facilitate the relocation of persons acquitted by, or who have completed the sentences imposed by, that Tribunal and is exploring fresh approaches to address the pressing situation pertaining to these individuals. In June 2016, a European State granted a family reunification visa to one of the acquitted persons, reducing to 13 the number of acquitted and released individuals currently remaining in Arusha. In addition, a revised and more efficient approach in relation to the upkeep of the acquitted and released persons in Arusha pending their relocation is being implemented from July 2016. The recent conclusion of a new agreement with Mali on the enforcement of sentences contains specific provision for the situation of persons released following the completion of their sentences in that State, and the Mechanism is engaged in negotiations towards the same end with other States. The Mechanism is grateful to the States concerned and remains appreciative of the ongoing support of the Security Council and the international community in this regard.

6. Monitoring of referred cases

82. Pursuant to article 6 (5) of its statute, during the reporting period the Mechanism monitored three cases referred to Rwanda through monitors from the Kenyan Section of the International Commission of Jurists. The Mechanism continues to work on establishing a similar monitoring arrangement for the two cases referred to France, which were monitored by interim monitors from the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia or the Mechanism during the reporting period. Public monitoring reports are posted on the Mechanism's website.

7. External relations and information-sharing

83. The Mechanism's website continued to be an essential channel of communication for external audiences, gathering more than 300,000 page views over the reporting period. The webpage highlighting progress in the construction of the Arusha facility was converted into a microwebsite (a special feature website). As part of a joint project with the Mechanism's Archives and Records Section, another microsite was designed to host the first online exhibition showcasing a selection of the Tribunals' archive materials. The Mechanism's activities can also be followed on Facebook, Twitter, LinkedIn, Flickr and YouTube.

84. In addition, over the reporting period, the Mechanism conducted presentations for various groups of visitors. A dedicated spokesperson was also designated from the existing staff resources at the Hague branch.

85. Finally, the first diplomatic briefing by the Mechanism's principals was organized in The Hague on 24 May 2016 and was attended by approximately 100 diplomats from The Hague and Brussels.

VI. Conclusion

86. The Mechanism's progress in completing its judicial and other work swiftly, while maintaining the highest of standards, underscores its commitment to the mandate entrusted to it by the Security Council and to serving as an efficient and effective model for international criminal justice institutions. During the reporting period, all relevant remaining aspects of the work of the International Criminal Tribunal for Rwanda were transferred smoothly to the Mechanism following the Tribunal's closure in December 2015. As the Mechanism commences its new period of operations, moving into a phase of intense judicial activity even as it prepares to assume responsibility for the relevant remaining aspects of the work of the International Tribunal for the Former Yugoslavia upon the closure of that Tribunal, it will continue to focus on carrying out its mandate in a timely, lean and efficient manner.

United Nations A/71/263–S/2016/670

General Assembly
Security Council

Distr.: General
1 August 2016

Original: English

General Assembly
Seventy-first session
Item 72 of the provisional agenda*
Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Security Council
Seventy-first year

Report of the International Tribunal for the Former Yugoslavia

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and the members of the Security Council the twenty-third annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991, submitted by the President of the International Tribunal in accordance with article 34 of the statute of the Tribunal (see S/25704 and Corr.1, annex), which states that:

> The President of the International Tribunal shall submit an annual report of the International Tribunal to the Security Council and to the General Assembly.

* A/71/150.

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Letter of transmittal

Letter dated 1 August 2016 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the General Assembly and the President of the Security Council

I have the honour to submit the twenty-third annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991, dated 1 August 2016, to the General Assembly and the Security Council, pursuant to article 34 of the statute of the Tribunal.

(*Signed*) Carmel **Agius**
President

Twenty-third annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Summary

The twenty-third annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 covers the period from 1 August 2015 to 31 July 2016.

The Tribunal continued to focus on the completion of pending trials and appeals, making significant progress during the reporting period. Two appeal judgments and two trial judgments were rendered. In addition, the judges of the Appeals Chamber delivered the judgments in the final appeal case from the International Criminal Tribunal for Rwanda. A further trial case was terminated following the death of the accused. Now, only two cases — one trial and one appeal — remain. All 161 individuals indicted for serious violations of international humanitarian law are accounted for. At the close of the reporting period, six persons were in appeal proceedings and one person was on trial. One pending contempt case remains, with arrest warrants yet to be executed by Serbia. The present report details the activities of the Tribunal during the reporting period and demonstrates the Tribunal's commitment to completing its proceedings expeditiously and in accordance with due process.

During the reporting period, the Tribunal saw a change in leadership. Judge Theodor Meron (United States of America) and Judge Carmel Agius (Malta) continued to serve as President and Vice-President, respectively, until 16 November 2015. On 17 November 2015, Judge Agius assumed the presidency and Judge Liu Daqun (China) became Vice-President. The respective Presidents of the Tribunal continued to undertake and promote efforts to monitor progress and prevent delays in the cases by bolstering staffing resources in cases needing reinforcement and by attempting to counter staff attrition.

With the valuable assistance of the Office of Legal Affairs of the Secretariat and the Security Council Informal Working Group on International Tribunals, the Tribunal continued the smooth transition of its functions to the International Residual Mechanism for Criminal Tribunals.

The Office of the Prosecutor remained focused on the expeditious completion of its trial and appeal cases. It continued to rely on the cooperation of States in fulfilling its mandate and to support domestic war crimes prosecutions in the former Yugoslavia, but expressed particular concerns in relation to Serbia's failure to execute arrest warrants in the pending contempt case.

Under the authority of the President, the Registry continued to provide valuable administrative and judicial support to the Tribunal, coordinating a wide range of legal, policy and operational matters. The Registry also coordinated practical arrangements necessary for the ongoing process of downsizing the Tribunal's operations and transferring responsibilities to the Mechanism.

I. Introduction

1. The twenty-third annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 outlines the activities of the Tribunal for the period from 1 August 2015 to 31 July 2016.

2. The Tribunal continued to implement its completion strategy as endorsed by the Security Council in resolution 1503 (2003), making significant progress during the reporting period. Judgments were delivered in the two trial cases of *Prosecutor v. Radovan Karadžić* and *Prosecutor v. Vojislav Šešelj* and in the two appeal cases of *Prosecutor v. Jovica Stanišić and Franko Simatović* and *Prosecutor v. Mićo Stanišić and Stojan Župljanin*. In addition, in December 2015 the Appeals Chamber of the International Criminal Tribunal for Rwanda, on which judges of the International Tribunal for the Former Yugoslavia also sit, delivered its judgement in the case of *Prosecutor v. Nyiramasuhuko et al.* ("*Butare*"). The trial case of *Prosecutor v. Goran Hadžić* was also terminated during the reporting period following the death of the accused. All 161 individuals indicted for serious violations of international humanitarian law are accounted for. At the close of the reporting period only one appeal, *Prosecutor v. Prlić et al.*, involving six convicted persons, and one trial, *Prosecutor v. Ratko Mladić*, involving one accused person, are ongoing. However, in a pending contempt case, *Prosecutor v. Jojić et al.*, there are currently three indictees whose arrest warrants are yet to be executed.

3. For the first part of the reporting period, Judge Theodor Meron (United States of America) and Judge Carmel Agius (Malta) continued to serve as President and Vice-President, respectively. At an extraordinary plenary session of judges held on 21 October 2015, Judge Agius and Judge Liu Daqun (China) were elected as President and Vice-President of the Tribunal, respectively; they took office on 17 November 2015. Throughout the reporting period, Serge Brammertz (Belgium) continued to serve as Prosecutor and John Hocking (Australia) as Registrar.

4. Each organ of the Tribunal continued to undertake measures to improve efficiency and to ensure completion of the Tribunal's mandate by the end of 2017. Judges and staff worked extremely hard to deliver judgments on time, with the Trial and Appeals Scheduling Working Group (chaired by the Vice-President) closely monitoring progress in all cases. In addition, the Chambers continued to identify and adopt measures to maximize the efficiency of ongoing judicial proceedings and avoid slippage, while preserving the highest levels of procedural fairness. The Office of the President and the Registrar worked closely to address, inter alia, the escalating challenges of staff attrition and staff morale, while the Office of the Prosecutor continued to downsize posts and implemented a resource-sharing policy with the Office of the Prosecutor of the International Residual Mechanism for Criminal Tribunals.

II. Activities involving the entire Tribunal

A. President

5. Both President Meron and President Agius oversaw the Tribunal's work during their respective terms as President, focusing on the judicial responsibilities of the office and on initiatives aimed at the timely completion of trials and appeals, and working closely with the Tribunal's Registrar, judges and management. Each President also represented the Tribunal at international forums and met with representatives of various countries, as well as high-level officials from the United Nations. In addition, President Agius oversaw the development of proposals for legacy events in the Tribunal's final biennium, to ensure its lasting positive impact beyond the 2017 closure date. In line with this, President Agius announced soon after assuming the presidency that his priorities in the Tribunal's final biennium would be: first and foremost, to meet the 2017 deadline for the closure of the Tribunal; second, to ensure the efficiency of judicial proceedings without sacrificing their fairness and quality; and third, to consolidate the image of the Tribunal and the impact of its work.

1. Ensuring timely completion of the Tribunal's judicial work

6. During their respective terms, the Presidents and Vice-Presidents coordinated closely with judges and staff of the Tribunal to ensure that all trials and appeals anticipated to conclude during the reporting period were finished on time, and to reduce the risk of delays in ongoing trials and appeals. In particular, they actively monitored the progress of cases and took measures to prevent and address the impact of staff attrition, including assigning additional legal staff to teams requiring assistance as a result of the loss of highly experienced staff, offering promotions as an incentive to retain staff and exploring other possible solutions, such as an end-of-service grant. In addition, the Trial and Appeals Scheduling Working Group, chaired by the Vice-President, met regularly to monitor and report on trials and appeals, to ensure that cases were kept on track and to identify and prevent any possible causes of delay.

2. Relations with Governments and international organizations

7. During the reporting period and within their respective terms of office, Presidents Meron and Agius made presentations regarding the Tribunal's work to the principal organs of the United Nations and the Informal Working Group on International Tribunals. On 13 October 2015, President Meron addressed the General Assembly regarding the Tribunal's twenty-second annual report (A/70/226-S/2015/585). On 9 December 2015, President Agius addressed the Security Council to present the Tribunal's twenty-fourth completion strategy report (S/2015/874). On 8 June 2016, President Agius addressed the Security Council regarding the Tribunal's twenty-fifth completion strategy report (S/2016/454). In addition, during missions to New York, both Presidents met with representatives of member States and officials of the Office of Legal Affairs. President Agius also met with the Secretary-General in December 2015.

8. Various representatives of Governments and judiciaries visited the Tribunal during the reporting period and met with the respective Presidents, judges and other officials to learn about the Tribunal's work, achievements and challenges. President

Meron received visits from, among others, the ambassadors of Australia, Bangladesh and France, as well as the President of the Croatian Supreme Court, a judge of the Constitutional Court of the Republic of Korea and the legal counsellor of the French Embassy.

9. President Agius received visits from, among others, the ambassadors of Armenia, Croatia, Germany, Italy, the Russian Federation, Serbia and the United Kingdom of Great Britain and Northern Ireland, as well as the United Kingdom Minister of State and Prime Minister's Special Representative on Preventing Sexual Violence in Conflict, the Secretary-General of the Ministry of Foreign Affairs of the Netherlands, the Minister of Justice of Croatia and the Croatian Member of the Presidency of Bosnia and Herzegovina. Further, in May 2016, a delegation of judges, prosecutors and investigators from Montenegro conducted a two-day visit to the Tribunal. In addition to those visits, on 25 February 2016 President Agius held a briefing for the diplomatic community in The Hague on the work of the Tribunal and his plan for its final biennium, which was attended by over 90 diplomats.

10. On 21 September 2015, President Meron conducted an official mission to the European Union in Brussels to seek support for the Tribunal's outreach programme. On 26 February 2016, President Agius travelled on official mission to Strasbourg to attend a conference organized jointly by the European Court of Human Rights and the European Society of International Law. In addition, President Agius conducted a mission to Bosnia and Herzegovina to attend a commemoration ceremony at the Potočari Memorial Centre on 11 July 2016, which marked the twenty-first anniversary of the genocide in Srebrenica. President Agius delivered an address there emphasizing, inter alia, the Tribunal's role in recognizing the crimes committed in Srebrenica as genocide and the importance of fully acknowledging the past.

3. Judicial activity

11. The statute of the Tribunal, the Rules of Procedure and Evidence and the Practice Directions confer upon the President certain judicial functions. In carrying out such duties, President Meron and President Agius issued numerous orders assigning cases to Chambers. In addition, President Meron issued a decision on review of a funding decision of the Registrar and considered a request for early release and provisional release but dismissed it for lack of jurisdiction.

4. Transition to the International Residual Mechanism for Criminal Tribunals

12. The Hague branch of the International Residual Mechanism for Criminal Tribunals commenced operations on 1 July 2013. During their respective terms, both Presidents of the Tribunal have taken steps to ensure the continued smooth handover of functions to the Mechanism, including through regular meetings with the Registrar and meetings of the Tribunal's Coordination Council, Records and Archives Working Group and Liquidation Taskforce. In addition, President Agius maintains continuing communication and cooperation with the President of the Mechanism.

5. Legacy and closing events

13. As the Tribunal approaches the end of its life, the question of how best to ensure its lasting legacy, both in the region of the former Yugoslavia and more

broadly, has assumed an even greater significance. During the reporting period, a proposal for a series of Tribunal legacy and closing events was developed with the active involvement of the Office of the President and in consultation with representatives of the Registry, the Office of the Prosecutor and the Association of Defence Counsel.

B. Bureau

14. Pursuant to rule 23 of the Rules of Procedure and Evidence, the Bureau is composed of the President, the Vice-President and the presiding judges of the Trial Chambers. During the reporting period, both President Meron and President Agius regularly consulted the Bureau on general policy matters of the Tribunal as well as specific legal, procedural and operational issues.

C. Coordination Council

15. Pursuant to rule 23 bis of the Rules, the Coordination Council consists of the President, the Prosecutor and the Registrar. The Council held several meetings during the reporting period to discuss, inter alia, the completion strategy, archiving, budgetary concerns, the transition of functions of the Tribunal to the Mechanism and the evaluation of the Tribunal undertaken by the Office of Internal Oversight Services (OIOS) detailed below.

D. Plenary sessions

16. During the reporting period, the judges of the Tribunal held three plenary sessions: an extraordinary session (at which President Agius and Vice-President Liu were elected) on 21 October 2015, and two regular plenary sessions on 28 January 2016 and 6 July 2016.

E. Rules Committee

17. For the first part of the reporting period, the judicial membership of the Rules Committee comprised then Vice-President Agius (Chair), President Meron and Judges Christoph Flügge, Alphons Orie and O-Gon Kwon. Following the change in presidency on 17 November 2015 and the departure of O-Gon Kwon from the Tribunal, the Rules Committee comprised Vice-President Liu (Chair), President Agius and Judges Christoph Flügge and Alphons Orie. The non-voting members include the Prosecutor, the Registrar and a representative of the Association of Defence Counsel. There were no meetings of the Rules Committee during the reporting period.

F. Evaluation by the Office of Internal Oversight Services

18. By its resolution 2256 (2015), the Security Council requested OIOS to carry out an evaluation with respect to the methods and work of the Tribunal and to present its report by 1 June 2016. Officials of OIOS visited the Tribunal in March

2016 to conduct their assessment and the principals, judges and staff of the Tribunal granted their fullest cooperation. The OIOS report, which included the Tribunal's written response as an attachment, was submitted on 16 May 2016. Pursuant to resolution 2256 (2015), the Tribunal will report on implementation of any OIOS recommendations in its next semi-annual report to the Security Council, in November 2016.

III. Activities of the Chambers

A. Composition of the Chambers

19. Seven permanent judges from seven countries currently serve at the Tribunal: Carmel Agius (President, Malta), Liu Daqun (Vice-President, China), Christoph Flügge (Germany), Alphons Orie (Netherlands), Fausto Pocar (Italy), Theodor Meron (United States) and Bakone Justice Moloto (South Africa).

20. O-Gon Kwon (Republic of Korea), Jean-Claude Antonetti (France), Burton Hall (Bahamas), Howard Morrison (United Kingdom), Guy Delvoie (Belgium) and Koffi Kumelio A. Afande (Togo) also served as permanent judges during the reporting period but left the Tribunal at the conclusion of their respective mandates.

21. In addition, the following permanent judges of the International Criminal Tribunal for Rwanda served in the Appeals Chamber of the Tribunal during the reporting period but left the Tribunal at the conclusion of their mandates: Arlette Ramaroson (Madagascar), Khalida Rachid Khan (Pakistan), Bakhtiyar Tuzmukhamedov (Russian Federation) and Mandiaye Niang (Senegal).

22. During the reporting period, Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo) Flavia Lattanzi (Italy) and Melville Baird (Trinidad and Tobago) served as ad litem judges but left at the conclusion of their mandates.

23. At the beginning of the reporting period, three Trial Chambers were in operation. At the close of the reporting period, however, and following the departure of the judges assigned to the *Karadžić* case and the *Šešelj* case, only one Trial Chamber, composed of Judges Orie (presiding), Flügge and Moloto, remained.

24. At the close of the reporting period, the Appeals Chamber was composed of Judges Agius (presiding), Pocar, Liu and Meron, being an insufficient number of judges to enable the Appeals Chamber to deal with any future interlocutory appeals from the *Mladić* case. At the time of drafting of the present report, solutions were being explored to provide the Appeals Chamber with a fifth member for the purpose of such interlocutory appeals. This situation does not exist with respect to the *Prlić et al.* case, given the composition of the Appeals Chamber in that case (as outlined below).

B. Principal activities of the Chambers

1. Trial Chamber I

Mladić

25. Ratko Mladić is charged with 11 counts of genocide, crimes against humanity and violations of the laws or customs of war, all in relation to acts allegedly committed in Bosnia and Herzegovina between 12 May 1992 and 30 November 1995. The Trial Chamber is composed of Judges Orie (presiding), Flügge and Moloto. The trial commenced on 16 May 2012. It is expected that the evidentiary phase of the case will be concluded in August of this year, after which the parties will submit their final briefs and make their final arguments. Thereafter, the Trial Chamber will be fully engaged in deliberations and drafting of the judgment. The projected date of delivery of the judgment remains November 2017. The judges and legal support team have taken a variety of measures to minimize delays in the preparation of the trial judgment, including involving additional staff resources in the drafting process. Although such resources have been assigned, highly qualified staff members are expected to continue to leave the Tribunal for more secure employment elsewhere. It will thus be an increasing challenge to maintain continuity of core staff, which is of utmost importance in a case of such size and complexity.

Jojić et al.

26. Petar Jojić, Jovo Ostojić and Vjerica Radeta are charged with four counts of contempt of court in relation to alleged witness intimidation in the *Šešelj* case. The proceedings in this case were confidential until 1 December 2015. Arrest warrants have been pending execution in Serbia since 19 January 2015. As a result, it is not possible to estimate the exact commencement and length of the case. If the arrest warrants are not executed soon, it may become necessary to urgently discuss a solution that would allow this case to be finalized before November 2017.

2. Trial Chamber II

Hadžić

27. Goran Hadžić, now deceased, was charged with 14 counts of crimes against humanity and violations of the laws or customs of war, all in relation to acts allegedly committed in Croatia and Serbia between 25 June 1991 and December 1993. The Trial Chamber was composed of Judges Delvoie (presiding), Hall and Mindua. The trial commenced on 16 October 2012 but was adjourned from 20 October 2014 onwards owing to Mr. Hadžić's grave health condition. On 26 October 2015, the Trial Chamber decided to stay the proceedings for a period of three months considering by majority that, inter alia, while Mr. Hadžić was still fit to stand trial, his health condition precluded his detention at the United Nations Detention Unit in The Hague. The appeal of this decision by the Office of the Prosecutor was granted in part by the Appeals Chamber on 4 March 2016. The Appeals Chamber invited the Trial Chamber to reassess Mr. Hadžić's fitness on the basis of the available and updated medical records. On 24 March 2016, the Trial Chamber issued a further decision in which it found, by majority, that Mr. Hadžić was unfit to stand trial and stayed the proceedings indefinitely. On 19 May 2016, the Office of the Prosecutor requested a formal termination of the proceedings in the

case and the Defence responded on 2 June 2016, agreeing that the case be terminated. The requests to terminate were denied by the Trial Chamber on 17 June 2016 and certification to appeal the decision was granted to both the Office of the Prosecutor and the Defence. However, on 12 July 2016, Mr. Hadžić died and the case was terminated on 22 July 2016.

3. Trial Chamber III

Karadžić

28. The Trial Chamber rendered the trial judgement in the case against Radovan Karadžić on 24 March 2016. The Trial Chamber found the accused guilty of genocide in Srebrenica, five counts of crimes against humanity and four counts of violations of the laws or customs of war. It found him not guilty of one count of genocide pertaining to seven municipalities in Bosnia and Herzegovina. The Chamber sentenced Radovan Karadžić to a single sentence of 40 years of imprisonment.

Šešelj

29. The Trial Chamber rendered the trial judgement in the case against Vojilsav Šešelj on 31 March 2016. The Trial Chamber, by majority on eight out of nine counts, found the accused not guilty of the charges in the indictment and acquitted him of nine counts of crimes against humanity and violations of the laws or customs of war in relation to acts allegedly committed in Croatia, Bosnia and Herzegovina and Vojvodina (Serbia) between August 1991 and September 1993.

4. Appeals Chamber

(a) Interlocutory appeals

30. The Appeals Chamber issued two decisions on interlocutory appeals. On 4 March 2016 in the *Hadžić* case, the Appeals Chamber granted in part the appeal of the Office of the Prosecutor of the Trial Chamber's decision of 26 October 2015. The second decision of the Appeals Chamber was issued confidentially and *ex parte* and therefore no details may be revealed.

(b) Appeals on the merits

31. The Appeals Chamber rendered two final judgments during the reporting period.

32. In the *Stanišić and Simatović* case, the appeal judgement was rendered on 15 December 2015. The Appeals Chamber, by majority, granted certain grounds of appeal lodged by the Office of the Prosecutor and ordered that Jovica Stanišić and Franko Simatović be retried on all counts of the indictment.

33. In the *Stanišić and Župljanin* case, the appeal judgement was rendered on 30 June 2016. Mičo Stanišić and Stojan Župljanin had been convicted by the Trial Chamber of crimes against humanity and war crimes committed in Bosnia and Herzegovina in 1992, and sentenced to 22 years' imprisonment each. The Appeals Chamber affirmed their convictions and sentences.

34. In addition to these two judgments, on 14 December 2015 the Appeals Chamber of the International Criminal Tribunal for Rwanda, on which judges of the

International Tribunal for the Former Yugoslavia also sit, delivered its judgement in the *Butare* case, being the final and largest-ever appeal case of the International Criminal Tribunal for Rwanda.

35. One Appeals Chamber case is outstanding, namely the *Prlić et al.* case. This is the most voluminous appellate case in the history of the Tribunal, with seven appellants (including the Office of the Prosecutor) and a combined total of over 500 grounds and sub-grounds of appeal. The six defendants were convicted by the Trial Chamber of crimes against humanity and war crimes committed in Bosnia and Herzegovina between 1992 and 1994. The Appeals Chamber in the *Prlić et al.* case is composed of Judges Agius (presiding), Pocar, Liu, Meron and Moloto. Briefing in the appeal proceedings was completed on 29 May 2015, and the projected time frame for delivery of the appeal judgement remains November 2017. Although additional staff resources have been assigned in order to ensure that this deadline can be met, highly qualified staff members are expected to continue to leave the Tribunal for more secure employment elsewhere. It will thus be an increasing challenge to retain core staff members who are familiar with the voluminous case records and appeal briefs and the working methods of the Tribunal. The judges and legal support team have taken a variety of measures to avoid delays in the preparation of the appeal judgement. These include the creation of a timeline and organization of a workplan designed to maximize the additional staff resources, as well as the provision of ad hoc assistance to the legal support team by legal officers assigned to the judges on the bench.

(c) Other appeals

36. A total of 34 pre-appeal decisions and orders were issued during the reporting period.[1]

IV. Activity of the Office of the Prosecutor

A. Completion of trials and appeals

37. During the reporting period, the Office of the Prosecutor remained focused on expeditiously completing its final trial and appeal proceedings, while simultaneously managing its downsizing process. The Office continued to reallocate staff and resources flexibly to ensure that all court-ordered deadlines are met. The Office also continued to assist officials and personnel of the Mechanism in transferring functions in accordance with the transitional arrangements.

38. In the current reporting period, judgments were issued in two trials (*Karadžić* and *Šešelj*) and two appeals (*Stanišić and Simatović* and *Stanišić and Župljanin*).

39. On 24 March 2016, the Trial Chamber unanimously convicted Radovan Karadžić of genocide, crimes against humanity and war crimes, and sentenced him to a term of imprisonment of 40 years. On 31 March 2016, the Trial Chamber, by majority on eight out of nine counts, acquitted Vojislav Šešelj on all counts of the indictment. On 15 December 2015, the Appeals Chamber partially granted the Office of the Prosecutor's appeal in the *Stanišić and Simatović* case, revoked the Trial Chamber's judgement and ordered a retrial. On 30 June 2016, the Appeals

[1] This figure includes orders and decisions filed as of 31 July 2016.

Chamber delivered its judgment in the *Stanišić and Župljanin* case, affirming the accused's convictions and sentences. Pursuant to the transitional arrangements, retrial proceedings in the *Stanišić and Simatović* case and appeal proceedings in the *Karadžić* and *Šešelj* cases are being conducted by the Mechanism.

40. The Tribunal has one final trial (*Mladić*) and one final appeal (*Prlić et al.*). In the *Mladić* case, it is anticipated that closing arguments by both parties will be presented in the fall of this year. The *Hadžić* case, which had been stayed since October 2014 owing to the accused's ill-health, was terminated on 22 July 2016 following the death of the accused. The Appeals Division continues to focus on expeditiously and effectively preparing for the appeal hearing in the *Prlić et al.* case, which is expected to be held in early 2017.

41. The Office of the Prosecutor continued to downsize posts on the basis of the completion of relevant phases of the trial and appeal proceedings. Delays in the completion of proceedings have not affected the Office's downsizing, as the Office has been able to absorb the additional requirements within existing resources and continue its downsizing on schedule. The Office is actively supporting measures to assist staff in making the transition from their work at the Tribunal to the next step in their careers. The Office continues to support training of its staff members and to assist staff in taking advantage of the services offered by the Career Transition Office. Related to this, the Office of the Prosecutor is facilitating networking and other opportunities to assist its staff members and to ensure recognition of the considerable transferable skills of Office staff members, which are highly relevant to other core components of the Organization's work.

42. The Office of the Prosecutor of the Tribunal significantly increased its resource-sharing with the Office of the Prosecutor of the Mechanism during the reporting period with the implementation of the "one office" approach to integrating the staff and resources of the two offices. Under this policy, all prosecution staff will now be available to "double-hat" so that they can be flexibly assigned to either Tribunal- or Mechanism-related work depending on operational requirements and their case-related knowledge.

B. Cooperation

43. The Office of the Prosecutor continued to rely on the full cooperation of States, as required under article 29 of the statute of the International Tribunal for the Former Yugoslavia, to fulfil its mandate.

44. The Office of the Prosecutor continued to have appropriate access to documents, archives and witnesses in Bosnia and Herzegovina, Croatia and Serbia during the reporting period.

45. However, the Office regrets that Serbia has turned away from the path of full cooperation with the Tribunal. As both President Agius and the Prosecutor reported to the Security Council, Serbia has failed to cooperate with the Tribunal and to execute the Tribunal's arrest warrants for three Serbian indictees. Serbia has been obligated to enforce these arrest warrants since January 2015. It has had the opportunity to fully participate in proceedings before the Trial Chamber and provide explanations for its inaction. However, after hearing from Serbia, the Trial Chamber referred Serbia's non-cooperation to then President Meron and ordered Serbia to

provide regular reports on its efforts to execute the arrest warrants. The Office of the Prosecutor calls upon Serbian authorities to promptly arrest the three indictees and surrender them to the Tribunal's custody.

46. Cooperation and support from States outside the former Yugoslavia and from international organizations remains integral to the successful completion of Tribunal cases. Continued assistance is needed to access documents, information and witnesses, as well as in matters related to witness protection, including witness relocation. The Office of the Prosecutor again acknowledges the support it received during the reporting period from States Members of the United Nations and from international organizations, including the United Nations and its agencies, the European Union, the North Atlantic Treaty Organization, the Organization for Security and Cooperation in Europe and the Council of Europe.

C. Transition from the International Tribunal for the Former Yugoslavia to national war crimes prosecutions

47. As the Tribunal nears the completion of its mandate, the Office of the Prosecutor remains committed to promoting effective war crimes prosecutions in the former Yugoslavia through ongoing dialogue with counterparts and efforts to build capacity in the national justice sectors. The effective prosecution of war crimes committed during the conflicts in the former Yugoslavia is fundamental to building and sustaining the rule of law, as well as for truth-seeking and reconciliation. With the completion of the Tribunal's mandate approaching, accountability for these crimes now depends on national prosecution offices and judiciaries.

48. During the reporting period, the Office continued to assist national judicial authorities in the former Yugoslavia to more successfully handle their war crimes cases. The joint European Union/International Tribunal for the Former Yugoslavia Training Project for National Prosecutors and Young Professionals from the former Yugoslavia was a central component of the Office's efforts. The Office also provided information and evidence in respect of ongoing investigations and trials, while further enabling access to the Office's databases.

49. Overall, while the processing of war crimes cases in national judiciaries in the region continued during the reporting period, the picture remains mixed and current trends do not unambiguously point in a positive direction. The pace of national prosecutions is still not yet commensurate with the backlog of cases remaining to be completed. Sufficient progress has also not yet been made in investigating and prosecuting complex cases involving senior- and mid-level officials.

50. Regarding the category II cases (investigation files) transferred by the Office of the Prosecutor of the Tribunal to the Prosecutor's Office of Bosnia and Herzegovina, the Prosecutor's Office has taken prosecutorial decisions in all but one outstanding case. Indictments have been confirmed in those cases, and trial proceedings are under way. This important development demonstrates the value of the continued support to and engagement with national prosecutors on the part of the Office of the Prosecutor of the Tribunal. While recognizing the appropriate deployment of resources to the category II cases, it must also be noted that the Prosecutor's Office of Bosnia and Herzegovina continues to file significant numbers of indictments in less complex cases.

51. The Prosecutor's Office of Bosnia and Herzegovina has sought cooperation from Croatian authorities in processing a number of category II case files. In the course of transferring the relevant case files to Croatian judicial authorities, a number of challenges have arisen. Croatian authorities confirmed that one case from Bosnia and Herzegovina has been pending in the Ministry of Justice for more than one year without resolution as a result of Government of Croatia policy. The Office of the Prosecutor urges the Croatian authorities to promptly review their policy, as this political decision is hindering the urgently needed progress in regional cooperation and the processing of category II case files.

52. War crimes prosecutions in Serbia are at a crucial crossroads. The Government of Serbia adopted on 20 February 2016 the "National strategy for the prosecution of war crimes for the period 2016-2020". The strategy expresses the Government's commitment to accountability for war crimes, regardless of the nationality, ethnicity, religion or status of the perpetrator or victim. Yet, as previously mentioned, Serbia has failed to cooperate with the Tribunal by arresting three indictees for whom arrest warrants were issued in January 2015. There were a number of other concerning developments during the reporting period, including the failure of the Government of Serbia to secure the appointment of a new Chief War Crimes Prosecutor by the December 2015 deadline, the failure of the Serbian judiciary to enforce the sentence imposed by the State Court of Bosnia and Herzegovina in the *Djukić* case, and the continued glorification of war criminals in Serbia. It is now up to Serbia to demonstrate that it will fulfil its pledges to cooperate with the Tribunal, support accountability for war crimes and promote effective regional cooperation.

53. During the reporting period, the Office of the Prosecutor grew increasingly concerned that the positive trend in regional cooperation in war crimes cases is reversing. Political tensions between countries and nationalist pressures domestically, both related to the legacies of the conflicts, are not conducive to regional cooperation in war crimes cases. The increasingly difficult political environment has further highlighted and exacerbated known technical challenges in regional cooperation. The current challenges facing regional cooperation are not unique, nor are they insoluble. Regional cooperation has significantly advanced over the last decade through the dedicated efforts of judicial officials. Political will and support are now needed to make accountability a regional issue and advance solutions to current challenges.

D. Capacity-building and legacy

54. During the reporting period, the Office of the Prosecutor continued its efforts to transfer expertise and information to national authorities in order to build capacity for national war crimes prosecutions in the former Yugoslavia. It also shared the lessons learned and best practices developed from its work with national counterparts working across a range of criminal justice sectors in Africa, South America, Europe and the Middle East.

55. On 31 May 2016, the Office of the Prosecutor launched its book on the prosecution of conflict-related sexual violence crimes over the course of the Tribunal's mandate. This publication thoroughly documents and analyses the Office's work and the Tribunal's jurisprudence on these crimes. Prepared with a

capacity-building focus, the Office's book will be an important tool for practitioners. The Office is also in the process of developing training materials for teaching the key insights and messages from the book.

V. Activity of the Registry

56. During the reporting period, the Registry continued to provide legal, administrative, technical and logistical support to the judicial proceedings of the Tribunal while simultaneously focusing on preparations for further downsizing and closure of the Tribunal and the transfer of its records to the Mechanism.

57. With reduced staff, all sections of the Registry continued to merge functions and operational capacity to ensure efficiency and expeditiousness of operations. Registry staff demonstrated flexibility and readiness to accept broader responsibilities, without compromising on the quality of judicial and administrative support for some of the Tribunal's largest and most complex cases. Further, the Registry offered the entire spectrum of administrative services necessary for the smooth functioning of the Tribunal, provided assistance to national jurisdictions and managed the Tribunal's outreach programme.

58. At the same time, the Registry continued to provide services and overall administrative support to the Mechanism, assisted in the gradual process of establishing the Mechanism's own self-standing administration and contributed to the strengthening of the working relationship between the two branches of the Mechanism.

A. Office of the Registrar

59. The Immediate Office of the Registrar supported the Registrar in his overall responsibility of directing the Registry, including supervising all Registry sections and representing the Tribunal in its relations with the host State and other Member States, international organizations and external stakeholders. The Office also assisted in representing the Tribunal in its relations with the various organs of the United Nations, including in submissions to the Management Evaluation Unit and the United Nations Dispute and Appeals Tribunals.

60. The Immediate Office of the Registrar continued to support the Registrar, working hand in hand with Mechanism staff, in managing operations of the Mechanism Registry both in Arusha and The Hague, with a special focus on supporting judicial proceedings before the Mechanism, finalizing its policies and operating procedures and assisting in recruitment exercises.

61. The Immediate Office of the Registrar provided legal and policy advice on a variety of human resources issues and continued to assist the Registrar and the Division of Administration with the implementation of downsizing procedures, including conduct of the comparative review exercise for the 2016-2017 biennium and implementation of its results.

B. Division of Judicial Support Services

62. The Division of Judicial Support Services consists of the Court Support Services Section, the Judicial Records Unit, the United Nations Detention Unit and the Conference and Language Services Section. The Court Support Services Section has four units: the Witness Support and Operations Unit and the Witness Protection Unit (collectively referred to as the Victims and Witnesses Section); the Courtroom Operations Unit; and the Office for Legal Aid and Defence.

63. During the reporting period, the Registry supported four cases in trial and three on appeal (of which three trials and two appeals were concluded during the reporting period), involving a total of 14 accused persons, and filed approximately 115 legal submissions relevant to the Tribunal's ongoing or concluded cases. The Registry also supported one contempt case at the pre-trial stage involving three accused persons.

1. Court Support Services Section and Judicial Records Unit

64. During the reporting period, the Victims and Witnesses Section provided operational and psycho-social assistance to 45 witnesses (and accompanying support persons) appearing before the Tribunal and continued to consult with witnesses on applications to vary their protective measures in other Court proceedings, which increased over the reporting period. Further, the Section completed the final report on its pilot study of the long-term impact of giving testimony at the Tribunal. The report findings, derived from 300 witness interviews, were presented in The Hague and throughout the region of the former Yugoslavia during June 2016. The Section also took active steps to address security-related concerns by witnesses, including in cases that have resulted in relocation. Finally, it continued working closely with the Mechanism to streamline its practices and strengthen the working relationship between the two branches of the Mechanism.

65. The Courtroom Operations Unit supported four trials and three appeals over the reporting period, including three judgment renderings. It also assisted two self-represented accused through its *Pro Se* Office.

66. Moreover, as of 31 July 2016, the Judicial Records Unit had processed 1,501 Tribunal filings (23,593 pages), 953 Mechanism filings (7,024 pages), 320 Tribunal transcripts in English and French (24,130 pages) and 10 Mechanism transcripts in English and French (170 pages). The Unit also facilitated the sharing and transfer of judicial records between the Tribunal and the Mechanism.

67. The Office for Legal Aid and Defence continued to administer the Tribunal's legal aid system, overseeing more than 100 defence team members. Of the 14 individuals in trial and appeal proceedings during the reporting period, 12 were found unable or partially unable to remunerate counsel and were thus granted legal aid. Approximately half of those cases were ranked at the highest complexity level. The Office also administered the appointment and remuneration of *amici curiae* and provided assistance on legal, policy and operational matters relating to the management of the Mechanism's legal aid system.

2. United Nations Detention Unit

68. The United Nations Detention Unit continued to support both the Tribunal and the Mechanism and was responsible for detaining 19 individuals in conditions exceeding the relevant international standards. It facilitated detainees' presence at court hearings, ensured the care and security of one contempt detainee and implemented six provisional release decisions and orders. The Detention Unit continued to support self-represented accused in the preparation of their defence cases. Detainees were provided with in-house medical care and specialist medical assistance. Further, the Detention Unit continued to tailor its regime and services to meet the specific needs of an ageing detainee population and facilitated medical examinations by court appointed medical experts. In May 2016, in line with the steady decrease in the detainee population, the Detention Unit decommissioned one of its two remaining wings, reducing the number of cells from 32 to 20.

3. Conference and Language Services Section

69. The Conference and Language Services Section provided interpretation, translation and court reporting services for the Tribunal, resulting in approximately 18,200 pages of translation, 710 conference interpreter days and 14,000 pages of transcripts over the year. Notably, the Section delivered the translation of the lengthy Appeal judgment in the case of *Prosecutor v. Popović et al.*, and continued providing support to the Mechanism under the double-hatting arrangement. Careful scrutiny of translation requests to avoid duplication resulted in savings of approximately $235,000 over the reporting period.

C. Transfer of records

70. The Registrar established a high-level Records and Archives Working Group to coordinate the transfer of Tribunal records and archives to the Mechanism and ensure that it is done by the closure of the Tribunal. The Group meets on a monthly basis and has completed an overall plan and comprehensive risk assessment for the project. Further, the Mechanism Archives and Records Section continued to support Tribunal offices in preparing their records for transfer to the Mechanism by providing briefings for managers and training for staff. The Section also worked with offices to set individual periodic targets for disposition, which will be regularly monitored by the Records and Archives Working Group. To date, the Tribunal has transferred over 30 per cent of the estimated total volume of physical records that are expected to be transferred to the Mechanism. The Tribunal also transferred 1.48 petabytes, approximately 80 per cent, of the Tribunal's digital records during the reporting period.

D. Communications Service

71. The Communications Service managed access to the Tribunal during the delivery of three judgments, including that of the *Karadžić* case, which was attended by approximately 500 people, including representatives of the diplomatic community, journalists, academics and an unprecedented number of victims' groups.

72. The Communications Service assisted in the organization of President Agius's first briefing to the diplomatic community in The Hague and coordinated

educational visits to the Tribunal and the Mechanism for more than 250 groups, welcoming over 6,000 visitors.

73. The Tribunal's website recorded more than 2.2 million page views. The website also underwent a complete design overhaul and was migrated to a Drupal unified content management framework to facilitate its future evolution into a legacy website. Additionally, an information page with an interactive timeline and an innovative tool allowing access to case information and documents were created and added to the site in advance of the *Karadžić* trial judgment. For the first time, the entirety of the video recordings of an international criminal trial is available online.

74. The Communications Service continued working with local authorities and international partners to establish information centres in the former Yugoslavia. Efforts are under way to finalize agreements with the City of Sarajevo and the Memorial Centre Srebrenica-Potočari and to explore the possibility of establishing information centres in other countries of the region.

75. The outreach programme extended its efforts to inform people in the former Yugoslavia about the Tribunal, reaching more than 2,000 students and teachers through 55 high school and university lectures and presentations. The Tribunal's field offices in Serbia and Bosnia and Herzegovina organized 20 events reaching more than 1,000 individuals. The fifth and sixth in the series of the outreach programme's documentaries about the work of the Tribunal (a revised version of "Crimes before the ICTY: Višegrad" and "Dubrovnik and crimes against cultural heritage") were completed and screened in Bosnia and Herzegovina, Croatia and Serbia. During the reporting period, 10 television stations in the former Yugoslavia, as well as UNTV, expressed interest in screening both documentaries. In addition, to mark the fifteenth anniversary of the outreach programme, the Tribunal completed and published a book providing a comprehensive overview of its activities and development over the years. The publication, "15 years of outreach at the ICTY", will be launched in the second half of 2016.

76. Further, the European Union generously confirmed its support for the outreach programme by pledging funds that will ensure the continuation of the programme until the Tribunal's closure. The Tribunal stresses the importance of General Assembly resolution 65/253, in which the Assembly encouraged the Secretary-General to continue to explore measures to raise voluntary funds for outreach activities and called upon States and other donors to offer their support.

E. Administrative Support Service Division

77. By resolution 70/242, the General Assembly approved the Tribunal's proposed programme budget and appropriated a revised amount of $95,747,100 gross ($85,024,600 net) for the 2016-2017 biennium. This amount represents a 52 per cent decrease as compared to the revised appropriation for the biennium 2014-2015.

78. During the 2016-2017 biennium, extrabudgetary resources are estimated at $1,000,000, to be used for a variety of Tribunal activities. During the reporting period, the Tribunal administered several extrabudgetary initiatives, including outreach activities in the former Yugoslavia and training programmes for young prosecutors.

79. The Division of Administration made considerable progress towards the implementation of the Tribunal's administrative liquidation plan, continuing with the transfer/disposal of assets, consolidating all Hague-based operations into a single premises and further downsizing the two remaining field offices.

80. Also as part of the overall liquidation plan, the Division of Administration remained actively engaged in staff downsizing efforts, the plan for which, as in previous years, was formulated in full consultation with operational managers and staff representatives. OIOS noted that the comparative review and downsizing process implemented at the Tribunal represented "best practice in leadership of a change process". The Tribunal's Career Transition Office has continued to support staff in all aspects of career transition during the period of downsizing and closure of the Tribunal by offering training courses and organizing workshops.

81. The Tribunal is continuing the phased downsizing of posts in accordance with the decrease in judicial activity during the biennium 2016-2017, which will eventually result in the abolition of all positions by 31 December 2017.

82. The Division undertook extensive Umoja conversion activities and ensured that both the Tribunal and the Mechanism successfully took part in the Umoja cluster 4 roll-out.

83. Finally, the Division provided overall administrative support and services to the Mechanism in the areas of human resources, general services, procurement, finance, information technology and security. In anticipation of the Tribunal's closure at the end of 2017, the Tribunal continued to support the Mechanism in the transition to a lean self-standing administration.

United Nations S/2016/671

Security Council

Distr.: General
1 August 2016

Original: English

Letter dated 1 August 2016 from the Ombudsperson addressed to the President of the Security Council

I have the honour to submit herewith the twelfth report of the Office of the Ombudsperson, pursuant to paragraph 20 (c) of annex II to Security Council resolution 2253 (2015), according to which the Ombudsperson shall submit biannual reports to the Council summarizing her activities. The report describes the activities of the Office during the period since the previous report was issued, covering the period from 2 February to 31 July 2016.

I would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Catherine **Marchi-Uhel**
Ombudsperson

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Report of the Office of the Ombudsperson, submitted pursuant to Security Council resolution 2253 (2015)

I. Background

1. The present report provides an update on the activities undertaken by the Office of the Ombudsperson since the issuance of the eleventh report of the Office (S/2016/96), on 2 February 2016.

II. Activities related to delisting cases

General

2. The primary activities of the Office of the Ombudsperson during the reporting period related to delisting requests submitted by individuals and entities.

Delisting cases

3. During the reporting period, four new cases were submitted to and accepted by the Office of the Ombudsperson, including a repeated request. One further repeated request for delisting was submitted, but the Ombudsperson considered that it did not contain any additional information and returned it to the petitioner with an explanation for his consideration pursuant to paragraph 1 (e) of annex II to resolution 2253 (2015). No response had been received at the time of reporting. The Ombudsperson also received an additional new delisting request but determined that it did not sufficiently address the listing criteria set forth in paragraph 3 of resolution 2253 (2015), and further information has been sought in accordance with paragraph 1 (d) of annex II to the same resolution. No response had been received at the time of reporting. The total number of delisting petitions submitted to the Office since its establishment was 70 as at 31 July 2016. Unless the petitioner requests otherwise, all names remain confidential while under consideration and in the case of the denial or withdrawal of a petition.

4. In total, the Ombudsperson has submitted 65 comprehensive reports[1] to the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities since the Office was established. During the reporting period, she submitted four reports and appeared before the Committee on three occasions to present six cases.

5. Since the issuance of the eleventh report, two individuals[2] have been delisted and the name of one individual has been retained through the Ombudsperson process.

[1] This number includes one case concluded in 2013, in which the Committee decided to delist the petitioner after the Ombudsperson had submitted her report to the Committee but before she had presented it. In two additional cases concluded in 2013, the Ombudsperson case became moot following a decision by the Committee to delist the petitioners before the Ombudsperson had submitted her report.

[2] Farid Aider and Daniel Martin Schneider.

6. Cumulatively, since the Office was established, 65 cases involving requests made to the Ombudsperson by an individual, an entity or a combination of both have been resolved through the Ombudsperson process or through a separate decision of the Committee. In the 62 cases fully completed through the Ombudsperson process, 45 individuals and 28 entities have been delisted, one entity has been removed as an alias of a listed entity, and 12 delisting requests have been refused. In addition, three individuals were delisted by the Committee before the Ombudsperson process was completed, and one petition was withdrawn following the submission of the comprehensive report. A description of the status of all of the cases as at 31 July 2016 is contained in the annex to the present report.

7. There were three cases pending before the Ombudsperson in the information-gathering/dialogue phase and one case pending before the Committee at the time of reporting. The four requests submitted to the Office during the reporting period were presented by individuals. To date, in total, 62 of the 70 cases have been brought by individuals, 2 by an individual together with one or more entities and 6 by entities alone. In 35 of the 70 cases, the petitioner is or was assisted by legal counsel.

Gathering of information from States

8. In the four new cases, 17 requests for information have been sent so far to 16 States. With respect to the four cases for which comprehensive reports were submitted to the Committee during the reporting period, there were four instances in which a State from which information had been requested failed to respond. In addition to the responses received from States to which requests were specifically directed, some Committee members provided information as a result of the general circulation of petitions.

9. During the reporting period, the Ombudsperson met on two occasions with officials in a capital on a specific case to gather information directly.

10. On one occasion during the reporting period, the Ombudsperson shortened the information-gathering period pursuant to paragraph 3 of annex II to resolution 2253 (2015), which provides the Ombudsperson with the discretion to shorten the information-gathering period where all designating States consulted do not object to the petitioner's delisting.

Dialogue with the petitioner

11. During the reporting period, the Ombudsperson and her Office interacted with all petitioners during the dialogue phase of pending cases, including through e-mail exchanges, telephone discussions and face-to-face interviews. The Ombudsperson also travelled to interview three petitioners in person.

Provision of comprehensive reports to interested States

12. Paragraph 13 of annex II to resolution 2253 (2015) stipulates that, if so requested, the Ombudsperson may provide a copy of the comprehensive report to an interested State (designating State or State of nationality, residence or incorporation) with the approval of the Committee, with any redactions needed to protect confidential material. During the reporting period, the Ombudsperson

received five requests for disclosure from States, all of which were approved by the Committee.

Access to classified or confidential information

13. No new arrangements for access to classified or confidential information were entered into during the reporting period. To date, there is one formal agreement, with Austria, and 16 arrangements, with Australia, Belgium, Costa Rica, Denmark, Finland, France, Germany, Ireland, Liechtenstein, Luxembourg, the Netherlands, New Zealand, Portugal, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. One arrangement concluded with the former Ombudsperson contains language clearly indicating that the arrangement was between the State and the previous Ombudsperson personally. The Ombudsperson engaged with that State and has yet to obtain confirmation that the arrangement with her remains in force.

14. Efforts continued to expand the list of arrangements/agreements during the reporting period, and it is to be hoped that further progress will be made in the upcoming months. One State has confirmed that it is willing to enter into an information-sharing agreement, and a draft is currently being finalized by the authorities of that State following engagement by the Ombudsperson with the Office of Legal Affairs and with the Permanent Mission of the State to the United Nations. Several other States have confirmed that they are considering the possibility of entering into an information-sharing arrangement.

III. Summary of activities related to the development of the Office of the Ombudsperson

General

15. Activities to further develop and strengthen the Office of the Ombudsperson continued during the reporting period to the extent possible.

Outreach and publicizing of the Office

16. The Ombudsperson participated in a number of outreach activities, as far as possible given the limitations on time and resources.

17. On 8 February 2016, the Ombudsperson participated in a conference held by Chatham House on countering terrorist financing, speaking on the limitations and challenges that she faces from a human rights standpoint in the context of reviewing delisting requests. During an open briefing given to Member States on 29 March 2016, the Ombudsperson provided an update on the status of cases in her Office as well as on recent progress made in increasing the transparency of the Ombudsperson mechanism while respecting the requirement, established by the Security Council, to treat comprehensive reports as confidential. On 6 May 2016, the Ombudsperson attended the annual conference of the Toronto Group for the Study of International, Transnational and Comparative Law. She addressed the parallel development of modern forms of internationalized criminal justice and sanctions, and compared the role of the Ombudsperson with that of international criminal justice practitioners.

18. During the reporting period, the Ombudsperson engaged extensively with representatives of the Council of Europe and the European Union. On 4 March 2016, the Ombudsperson addressed the Council of Europe Committee of Legal Advisers on Public International Law at its 51st meeting, held in Strasbourg, France. She briefed the Committee on the transition from her predecessor and on positive developments with respect to some of the challenges that she faces as Ombudsperson. On 15 April 2016, the Ombudsperson participated in a seminar on sanctions jointly held by the European Union and the United Nations in New York. In her address, she measured the Ombudsperson mechanism in terms of European standards. She also explored existing channels for the disclosure of information and the use in domestic and regional proceedings of information contained in her comprehensive reports to the Committee, including unclassified information gathered by the Ombudsperson and her analysis of that information. On 2 June 2016 in Brussels, the Ombudsperson engaged with members of the Council of the European Union Working Group on Public International Law and Working Party of Foreign Relations Counsellors. The topics discussed included ways to create better conditions for information-sharing with the Ombudsperson. Participants also explored ways to improve the awareness of domestic and European courts regarding the elements of fairness that the Ombudsperson mechanism has promoted. The Ombudsperson also followed up with representatives of the European Commission on issues raised during the above-mentioned seminar on sanctions.

19. On 2 July 2016, the Ombudsperson took part in a round-table discussion on terrorism, state-of-emergency law and international humanitarian law during the international symposium on terrorism and criminal policy organized by the Max Planck Institute for Foreign and International Criminal Law in Freiburg, Germany. The objective of the symposium was to develop new approaches to the prevention and prosecution of terrorism, taking into account international experience. On 4 July 2016, at a meeting held by the Institute, the Ombudsperson shared her thoughts with a selected group of academics on various aspects of the forms of confidentiality applying to the Ombudsperson process, including fairness issues arising from the use of confidential information.

Interaction with the Islamic State in Iraq and the Levant (Da'esh) and Al-Qaida Sanctions Committee

20. Since 2 February 2016, the Ombudsperson has appeared before the Committee on two occasions. On 20 April 2016, she presented her reports in a case in which the petitioner was retained on the list and in the case of Farid Aider (delisted; formerly QDi.161). On 17 June 2016, she presented her report in the case of Daniel Martin Schneider (delisted; formerly QDi.260). On the same day, the Ombudsperson took part in a discussion that followed the update by the Security Council Affairs Division of the Department of Political Affairs on actions taken by the Secretariat to strengthen the capacity of the Office of the Ombudsperson to carry out its mandate in an independent, effective and timely manner.[3] The Ombudsperson commented on options, including possible administrative arrangements, presented by the Division with a view to guaranteeing the independence of the Office.

21. As previously, the Ombudsperson and staff in her Office have continued to engage regularly with the Coordinator and members of the Analytical Support and

[3] Update mandated by the Security Council in paragraph 59 of resolution 2253 (2015).

Sanctions Monitoring Team. The Team has continued to provide relevant information in accordance with paragraph 4 of annex II to Security Council resolution 2253 (2015). During the reporting period, the Team assisted the Office of the Ombudsperson in reviewing delisting requests and supporting materials that were in German. It also provided assistance with information that had been gathered that was in Arabic. In addition, it helped the Office with German- and Arabic-language communications with petitioners and other individuals contacted by the Office. Furthermore, the Team provided expert advice on issues relevant to particular delisting requests.

Liaison with States, intergovernmental organizations, United Nations bodies and non-governmental organizations

22. During the reporting period, the Ombudsperson and staff in her Office continued to interact with States, in particular States of relevance to the pending delisting petitions. They had several bilateral meetings with States interested in the work of the Office to discuss general issues, including issues related to possible options for increasing the independence of the Office. The Ombudsperson continued her discussions with a number of States concerning agreements or arrangements on access to confidential or classified information. She also maintained contacts with the informal Group of Like-Minded States on Targeted Sanctions[4] and representatives of the European Union and of the European Commission. Furthermore, as noted above, the Ombudsperson met with a number of State officials in their capitals for general discussions and to obtain information regarding particular cases.

23. The Ombudsperson and staff in her Office continued to interact with representatives of the Counter-Terrorism Committee Executive Directorate and the Office of the United Nations High Commissioner for Human Rights. The Ombudsperson also discussed relevant general legal issues with staff in the Office of Legal Affairs, which continued to provide assistance to the Ombudsperson on various matters.

24. The Ombudsperson further interacted with non-governmental organizations, including the International Centre for Transitional Justice.

Working methods and research

25. As previously, casework during the reporting period involved open-source research and contacts with journalists, to collect information and verify sources for publicly available case-related material.

26. The Ombudsperson continued to follow developments and collected information with regard to relevant national and regional legal cases.

Website

27. The website of the Office of the Ombudsperson (https://www.un.org/sc/suborg/en/ombudsperson) has continued to be revised and updated. An update to the

[4] Comprising Austria, Belgium, Costa Rica, Denmark, Germany, Finland, Liechtenstein, the Netherlands, Norway, Sweden and Switzerland.

section of the website entitled "Approach to Assessment of Information" was posted in February 2016.[5]

IV. Observations and conclusions

Fairness of the process

28. All the Committee decisions on delisting petitions made during the reporting period were premised solely on information gathered by the Ombudsperson and followed her recommendations. In no cases did the Committee take a decision by consensus contrary to the recommendation, and no matters were referred to the Security Council. While confidential material was considered in two cases during the reporting period, the Ombudsperson remained satisfied that the petitioner was still aware of the substance of the case to be met. Therefore, in terms of knowing and answering the case and benefiting from an independent review and the availability of an effective remedy, all of the cases met these fundamental requirements of fairness.

Transparency of the process

General information about the process

29. As anticipated in the eleventh report, the website of the Office of the Ombudsperson has been updated to provide petitioners and their counsel with information on the practice of the Ombudsperson relating to the use of information and the analysis of association and disassociation. It also addresses in particular the mental element required for the retention of a listing, the use of cumulative information and inferences. It is expected that, in addition to assisting petitioners, the information in question will increase the transparency of the process vis-à-vis a broader interested public. During the above-mentioned seminar on sanctions, representatives of the European Union welcomed the update and indicated that they were making use of the increased transparency of the mechanism in their submissions before the courts of the European Union.

The petitioner

30. The Committee's positive trend towards including substantial excerpts from the analysis contained in the comprehensive report in letters summarizing the reasons that formed the basis for the Ombudsperson's recommendation, in both retention and delisting cases, continued during the reporting period. The Committee's consistency and reliability in transmitting extensive reasons to petitioners are a major step towards making the process more transparent and fair. The Ombudsperson hopes that that trend will continue during the next reporting period.

31. In the eleventh report, the Ombudsperson reiterated her predecessor's suggestion to address the situation resulting from the delay in notifying the petitioner in the event of retention on the list.[6] Empowering the Ombudsperson to advise the petitioner of the decision to retain the listing immediately after it has

[5] See S/2016/96, para. 36.

[6] See S/2015/533, para. 47, and S/2016/96, para. 42.

been taken, with a note indicating that the reasons will follow within the 60-day deadline, is even more needed in the light of the increased delay in notifying the petitioner in the event of retention. There was previously no need to separate the informal notice of a retention from the formal notification identifying the reasons for it, as such letters were submitted quite quickly after the Committee's decision to retain the listing had been taken (on average, 22 days after the decision). However, since the introduction, in resolution 2161 (2014), of a 60-day deadline for the transmittal of the reasons for retention, it has taken the Committee 52 days on average to transmit them to the Ombudsperson for transmittal to the petitioner.[7] In practice in successful delisting cases, there is already a difference in timing with regard to notifying the petitioner of the outcome of the petition, on the one hand, and notifying him or her of the reasons for the decision, on the other. In these cases, the Ombudsperson informs successful petitioners of their delisting as soon as she has been notified by the Committee of the decision (and before they learn of it through a press release). She does so before receiving from the Committee the letter citing the reasons, which follows within 60 days, pursuant to paragraph 16 of annex II to resolution 2253 (2015). It would be in the interest of fairness and efficiency to treat successful and unsuccessful petitioners alike in this regard; there is no rationale for treating them any differently.

Cooperation of States/State support for the Office of the Ombudsperson

32. State cooperation and expressions of support for the Office of the Ombudsperson remained strong during the reporting period. All but one State provided a response to requests for information presented, and all designating States and States of residence/nationality replied in all completed cases. In addition, States across regional groupings expressed strong support for the work of the Office both at bilateral meetings and at recent debates concerning sanctions.[8]

Independence of the Office of the Ombudsperson

33. Resolution 2253 (2015) specifies that the Ombudsperson shall neither seek nor receive instructions from any government. The independent and impartial review of delisting requests is at the core of the Ombudsperson's mandate. The Ombudsperson must not only act in an independent and impartial manner when conducting reviews of delisting requests, but must also be seen as doing so. The Ombudsperson's role, functions, reporting responsibilities with regard to delisting requests, and reasons for independence are profoundly different from those of the experts.[9] Furthermore, in view of the weight given by the Security Council to the recommendations of the

[7] In one case, the period had started to elapse before the introduction of the 60-day deadline.

[8] See, for example, discussions with representatives of the Group of Like-Minded States held on 11 February and 29 June 2016, following up on the adoption of resolution 2253 (2015); the 51st meeting of the Committee of Legal Advisers on Public International Law, held on 4 March 2016; the open briefing to Member States by the Ombudsperson, Security Council ISIL (Da'esh) and Al-Qaida Sanctions Committee, held on 29 March 2016; the European Union/United Nations seminar on sanctions held on 15 April 2016; and the meeting of the Council of the European Union Working Group on Public International Law and Working Party of Foreign Relations Counsellors held on 2 June 2016.

[9] See S/2015/533, para. 71.

Ombudsperson,[10] the guarantees of and respect for the requirements of independence and fairness on the part of the Ombudsperson mechanism are all the more important for its integrity and credibility.

34. In resolution 2253 (2015), the Security Council requested the Secretary-General to continue to strengthen the capacity of the Office of the Ombudsperson and to make the necessary arrangements to ensure its continued ability to carry out its mandate in an independent, effective and timely manner, and to provide the Committee with an update on actions taken in six months.[11]

Current deficiencies in the status of the Office of the Ombudsperson

35. The former and current Ombudspersons identified a number of deficiencies in the current arrangements with the Secretariat. Those deficiencies were highlighted in great detail by the previous Ombudsperson in the seventh to tenth reports to the Security Council and by the current Ombudsperson in the eleventh report. The main aspects of the deficiencies are summarized below for ease of reference.

36. To date, no separate "Office of the Ombudsperson" has been established. As a result, the budget for the operations of the Ombudsperson mechanism is subsumed in the budget for the Analytical Support and Sanctions Monitoring Team. Furthermore, the two successive Ombudspersons have been recruited as consultants. Without certification with respect to both attendance and performance, the Ombudsperson will not be paid. As noted by the former Ombudsperson, the performance of the Ombudsperson is subject to an evaluation with reference to undefined "conditions" by unidentified officials within the division of the United Nations responsible for supporting and assisting the Security Council and the ISIL (Da'esh) and Al-Qaida Sanctions Committee, including with respect to the imposition, enforcement and implementation of sanctions. Those are the very bodies from which the Ombudsperson must maintain independence.[12] The former Ombudsperson recognized that the certification requirement had not been used in practice to attempt to interfere with her performance of functions. Nonetheless, she was of the view that that contractual requirement, in principle and optically, constituted a significant restriction on the independence of the Ombudsperson.[13] Furthermore, the consultancy contract pre-empts the structural establishment of any form of "Office of the Ombudsperson" independently managed by the Ombudsperson, as envisaged by the Security Council.[14] Indeed, as a consultant, the Ombudsperson can be neither a recruiting officer nor a supervisor of the staff members assisting her. The Security Council Subsidiary Organs Branch has recruited and formally supervises the two staff members in question, a Legal Officer (P-4) and an Administrative Assistant. As reported by the Ombudsperson in the eleventh report, she was prevented from fully participating in the recruitment

[10] Under para. 14 of annex II to resolution 2253 (2015), the Ombudsperson's recommendation to maintain a listing stands unless a Committee member submits a delisting request. Under para. 15 of the same annex, the Ombudsperson's recommendation to delist stands by default unless the Committee decides by consensus before the end of the 60-day period to maintain the listing; or, in cases in which consensus does not exist, the question of the listing is submitted to the Security Council and the Council decides to maintain the listing.

[11] See resolution 2253 (2015), para. 59.

[12] See S/2015/533, para. 62.

[13] Ibid., para. 63.

[14] Ibid., para. 64.

process to replace the Legal Officer during the maternity leave of the Officer.[15] Furthermore, in the past the responsibility of the supervision and performance appraisal of the staff assisting the Ombudsperson was assigned to the Secretary of the Committee, further exacerbating the potential for conflict.[16] Also, while the views of the Ombudsperson as to the performance of the two staff members have been reflected in the evaluation of their performance for the period 2015-2016, there have been past instances in which this was not the case. This demonstrates that guarantees of the independence of the Ombudsperson and her Office cannot be left to the goodwill of individuals in the Secretariat. In addition, the former Ombudsperson has described practical challenges arising from instructions being given by political affairs officers within the Security Council Subsidiary Organs Branch to staff assisting the Ombudsperson, as well as other obstacles to the independent operation of the Office.[17] Finally, in the eleventh report the Ombudsperson described another aspect of the inadequacy of the consultancy contract which had become apparent during the transition period.[18]

37. In its June 2015 Compendium (A/69/941-S/2015/432), the High-level Review of United Nations Sanctions notably recommended that the Secretary-General propose options for ensuring that the administrative, contractual and other support arrangements for the Ombudsperson were specific to the distinctive role of the Ombudsperson. It also recommended that those arrangements include institutional protections to enable the Office to actually meet the definition of an "independent office". Furthermore, a proposal transmitted to the President of the Security Council by the Group of Like-Minded States on Targeted Sanctions calls for fair and clear procedures for a more effective United Nations sanctions system, including a suggestion that the Office of the Ombudsperson should be restructured with a view

[15] See S/2016/96, para. 47. The Ombudsperson was consulted prior to shortlisting the candidates and spoke individually to the few candidates whom the recruitment panel ultimately found to be suitable. Her opinion was taken into account before recruitment, but she was denied participation, even as an observer, in the competency-based interviews of candidates shortlisted for the position.

[16] See S/2015/533, para. 65.

[17] In the past, the Branch required the Legal Officer to submit substantive trip reports at the conclusion of any official travel undertaken to assist the Ombudsperson, and this led the former Ombudsperson to suspend such assistance until that requirement was ultimately discontinued (see S/2014/73, para. 70, and S/2014/553, para. 51). On another occasion, without notice to the former Ombudsperson, the staff of the Office were directed by the Branch to make a substantive change to the website of the Office. Those instructions were countermanded by the then-Ombudsperson (see S/2015/533, para. 67). At another time, for reasons entirely unrelated to financial accountability, officials in the Security Council Affairs Division temporarily blocked the travel of the Ombudsperson for a core function: interviewing a petitioner. The former Ombudsperson noted that, while the matter had been resolved fairly quickly, it illustrated the dangers posed to independence even with respect to core functions when the Office was reliant exclusively on individual actions, without institutional safeguards. Another situation, which apparently occurred by mistake, highlighted the dangers arising from the fact that the Ombudsperson lacks control over who has access to the electronic drives containing the general material related to the work of the Office (although no State confidential material).

[18] See S/2016/96, para. 46. The nature of the contract prevented adequate compensation of the former Ombudsperson, who, as required, prepared for and presented her comprehensive reports to the Committee in the various cases scheduled on the agenda of the Committee after the completion of her term.

to institutionalizing it through its transformation into a permanent office or a special political mission office within the Secretariat.[19]

Update to the Committee by the Secretariat under paragraph 59 of resolution 2253 (2015)

38. During the reporting period, in view of the Security Council's request to the Secretary-General, in paragraph 59 of resolution 2253 (2015), to provide the Committee with an update on actions taken in six months, the Ombudsperson reviewed several relevant arrangements in place for United Nations officials who carry out functions involving a requirement of independence.[20] Thereafter, the Ombudsperson engaged and had fruitful discussions with the Security Council Affairs Division on ways to include guarantees of independence in future administrative arrangements pertaining to the Ombudsperson and the Office of the Ombudsperson. The Ombudsperson identified priorities for those possible future arrangements. The priorities are based on the comparison between the functions and administrative arrangements of the Ombudsperson and those of United Nations officials whose functions require independence.

39. On 17 June 2016, the Security Council Affairs Division briefed the Committee on the current arrangements for the Ombudsperson and her Office and on issues arising from those arrangements; it also presented options for reforming them. The Division stressed that the structures retained for the Office of Internal Oversight Services (OIOS), the Office of the United Nations Ombudsman and Mediation Services and tribunals, which required dedicated administrative support, would be costly and time-consuming to set up for the Office of the Ombudsperson. By contrast, establishing the Office of the Ombudsperson as a stand-alone special political mission would require minor adjustments to the thematic cluster II special political mission framework[21] and would not involve a significant cost increase. The Division highlighted that the Executive Office of the Department of Political Affairs, which would be supporting such a special political mission, was already supporting the Office of the Ombudsperson. In turn, the Office of the Ombudsperson would have to take on some additional administrative work previously carried out by the Division. In terms of possible status and contractual arrangements, the Division presented two options. The first was the status of that of

[19] See S/2015/867, annex. The Group of Like-Minded States on Targeted Sanctions had previously brought these concerns to the attention of the Security Council in April 2014 and June 2015, in the annexes to S/2014/286 and S/2015/459, respectively. They noted in the latter document that "the status and privileges of the position should fully reflect the independence required to perform the tasks of the Ombudsperson effectively. Furthermore, the applicable administrative arrangements in place for budgeting, staffing, staff management and resource utilization at the Office of the Ombudsperson lack the critical features of autonomy. In fact, structurally no Office of the Ombudsperson has been created despite the decision in Security Council resolution 1904 (2009)".

[20] The arrangements reviewed are those in place for officials having the status of either staff members (the Under-Secretary-General for Internal Oversight Services, the Ombudsman (Assistant Secretary-General) or the Executive Director of the Counter-Terrorism Committee Executive Directorate) or officials other than Secretariat officials (permanent and ad litem judges of the International Tribunal for the Former Yugoslavia, judges of the United Nations Dispute Tribunal and international judges of the Extraordinary Chambers in the Courts of Cambodia).

[21] Cluster II comprises 14 special political missions (sanctions monitoring teams, groups and panels).

"official other than Secretariat official". If that option were chosen, the Ombudsperson's conditions of service would have to be specifically spelled out. The second option was the status and contractual arrangements of a United Nations staff member. That option would require the inclusion of an operational independence clause in the Ombudsperson's contract and periodic evaluation of the Ombudsperson's performance by the Secretariat. Following the Division's presentation of those options, the Chair of the Committee invited the Ombudsperson to share her views on these matters with the Committee.

Options for a new structure and status

40. The Ombudsperson agrees with the Secretariat's proposal that the Office of the Ombudsperson be established as a stand-alone special political mission with a dedicated budget. The size of the Office as currently staffed does not justify its having an executive office of its own. There would be no adverse consequences in terms of the independence of the Office in continuing to rely on the Executive Office of the Department of Political Affairs for logistical and administrative support, as it does at present. The Office would also be able to absorb the additional administrative work previously performed by the Security Council Affairs Division, as noted above.

41. While neither the status of official other than Secretariat official nor the status of United Nations staff member is a perfect option for the Ombudsperson, each is fully satisfactory, provided that a few conditions pertaining to it are met. However, in the view of the Ombudsperson, the status of official other than Secretariat official is the better of the two options in terms of the real and perceived independence of the Ombudsperson. This is the status that the United Nations accords to its international judges,[22] and it does not require an evaluation of the Ombudsperson's performance.

42. The status of United Nations staff member would also be acceptable, but there is an important caveat with regard to that option in order to fully guarantee the independence of the Ombudsperson. It concerns the modalities used to evaluate the Ombudsperson's performance. If the option were preferred, it would be critical to ensure that the modalities of evaluation, the reporting lines and the goals employed as part of the evaluation would not encroach on the independence of the Ombudsperson. This is a sensitive issue, but not an unsurmountable one, and there are precedents, for example, the heads of two independent offices (OIOS and the Office of the United Nations Ombudsman and Mediation Services) whose performance is evaluated by the Secretary-General under a "compact".[23] The Ombudsperson is of the view that under this status, the reporting line for the Ombudsperson should be outside the Department of Political Affairs.

[22] Consideration could be given to subjecting the Ombudsperson to procedures applicable in the United Nations in the event of the misconduct of an official. Likewise, the operations of the Office would be subject to the existing oversight mechanism.

[23] In 2006, the United Nations introduced senior managers' compacts. A compact is an annual agreement between the Secretary-General and senior officials clearly outlining the roles and responsibilities of the officials and setting specific objectives and managerial tasks for each year. In 2010, the compact regime was broadened to include heads of peacekeeping missions and special political missions.

43. Unlike the status of United Nations staff member, the choice of the status of official other than Secretariat official would not automatically resolve the managerial aspects arising from the functioning of the Office of the Ombudsperson as an independent office. Under that status, the Ombudsperson could not formally serve as a hiring officer or supervisor. However, unlike that of consultant, the status of official other than Secretariat official is sufficiently flexible to allow for satisfactory arrangements to guarantee the involvement of the Ombudsperson in the recruitment, tasking, substantive direction and performance evaluation of staff members. There are precedents for such arrangements in terms of international judges. Such arrangements are unquestioned in these institutions, so they have not been formalized. But in the light of past practice under the Ombudsperson's consultant status, it would be necessary to formalize such arrangements for the Ombudsperson. This could be done in the conditions of service or the terms of reference, or even in an inter-office memorandum between the Ombudsperson and the office formally tasked with the recruitment and evaluation of the staff of the Office.

44. Finally, the maximum term of five years for the Ombudsperson is a consequence of the Ombudsperson's current status of consultant. The Ombudsperson is of the view that imposing a maximum term of office would not encroach on the independence of the Ombudsperson. It could be considered under either of the two options discussed above. Five or, even better, seven years would be a reasonable term. Also under these options, unlike with a consultancy contract, there would be no implied bar to the Ombudsperson's eligibility for posts in the Secretariat upon the completion of her or his mandate. However, the Ombudsperson is of the view that ineligibility for a set period of time may enhance the appearance of independence on the part of the Ombudsperson.

Conclusion

45. The Ombudsperson commends the efforts made and steps taken by the Secretariat as requested by the Security Council in paragraph 59 of resolution 2253 (2015). The options presented by the Security Council Affairs Division for arrangements that would be necessary to ensure that the Office of the Ombudsperson has the ability to carry out her mandate in an independent and effective manner provide a sound basis for guaranteeing the independence of the Office in the future. The Ombudsperson is hopeful that these efforts will not be in vain and that one of these options will materialize, thus increasing the credibility of the Ombudsperson process.

Requests from individuals mistaken for a listed person under another regime

46. During the reporting period, the Ombudsperson received a request from an individual whose particulars were similar to those of a person included in the list established and maintained by the ISIL (Da'esh) and Al-Qaida Sanctions Committee with respect to individuals, groups, undertakings and other entities associated with Al-Qaida. He claimed to have been subjected to sanctions measures under that regime as a result of confusion with an individual included on the list. Under the ISIL (Da'esh) and Al-Qaida sanctions regime, individuals experiencing problems as a result of mistaken identification or confusion with individuals included on the

sanctions list may have recourse to the Focal Point.[24] However, the mandate of the Focal Point under other regimes does not extend to cases of mistaken identification or confusion with an individual listed under another regime. As a result, individuals experiencing such problems as a result of mistaken identification or confusion with individuals listed under another regime have no recourse or depend on their State of nationality of residence to bring the matter to the attention of the relevant committee. This is a question that falls outside the mandate of the Ombudsperson. However, as such requests are sent to the Ombudsperson, it was deemed important that it be highlighted in the present report. It would be beneficial for such individuals to have recourse to the Focal Point, as is the case under the ISIL (Da'esh) and Al-Qaida sanctions regime.

Conclusion

47. The Ombudsperson mechanism and its progressive reinforcement are instrumental in making the ISIL (Da'esh) and Al-Qaida sanctions regime more consistent with fundamental human rights obligations. It undoubtedly enhances the credibility of that regime and has in turn assisted States in implementing the sanctions imposed by the Committee. The efforts made during the reporting period to address the structural challenges in terms of independence are a welcome development.

48. However, as highlighted in this and previous reports, there remain areas for improvement. The Ombudsperson has repeatedly noted that the Ombudsperson process remains unnecessarily opaque. So long as comprehensive reports or reasons are not made publicly available, every effort will have to be made to inform petitioners and the general public about the process. It is particularly important to maintain the level of transparency achieved so far by providing to petitioners, subject to confidentiality restrictions, all of the reasons for the Committee's decisions in both retention and delisting cases. It is hoped that the positive trend observed over the past year will continue in the future.

[24] See resolution 2253 (2015), para. 77 (b).

Annex

Status of cases

Case 1, one individual (Status: denied)

Date	*Description*
28 July 2010	Transmission of case 1 to the Committee
28 February 2011	Comprehensive report submitted to the Committee
10 May 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
14 June 2011	Committee decision
1 September 2011	Formal notification to petitioner with reasons

Case 2, Safet Ekrem Durguti (Status: delisted)

Date	*Description*
30 September 2010	Transmission of case 2 to the Committee
26 April 2011	Comprehensive report submitted to the Committee
31 May 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
14 June 2011	Committee decision to delist
12 August 2011	Formal notification to petitioner with reasons

Case 3, one entity (Status: delisting request withdrawn by petitioner)

Date	*Description*
3 November 2010	Transmission of case 3 to the Committee
14 June 2011	Comprehensive report submitted to the Committee
26 July 2011	Presentation of comprehensive report by the Ombudsperson to the Committee
2 August 2011	Withdrawal of petition

Case 4, Shafiq Ben Mohamed Ben Mohammed Al Ayadi (Status: delisted)

Date	*Description*
6 December 2010	Transmission of case 4 to the Committee
29 June 2011	Comprehensive report submitted to the Committee

Date	*Description*
26 July 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
17 October 2011	Committee decision to delist
8 November 2011	Formal notification to petitioner with reasons

Case 5, Tarek Ben Al-Bechir Ben Amara Al-Charaabi (Status: delisted)

Date	*Description*
30 December 2010	Transmission of case 5 to the Committee
26 April 2011	Comprehensive report submitted to the Committee
31 May 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
14 June 2011	Committee decision to delist
12 August 2011	Formal notification to petitioner with reasons

Case 6, Abdul Latif Saleh (Status: delisted)

Date	*Description*
14 January 2011	Transmission of case 6 to the Committee
17 June 2011	Comprehensive report submitted to the Committee
26 July 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
19 August 2011	Committee decision to delist
8 November 2011	Formal notification to petitioner with reasons

Case 7, Abu Sufian Al-Salamabi Muhammed Ahmed Abd Al-Razziq (Status: delisted)

Date	*Description*
28 January 2011	Transmission of case 7 to the Committee
29 August 2011	Comprehensive report submitted to the Committee
15 November 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
30 November 2011	Committee decision to delist
13 February 2012	Formal notification to petitioner with reasons

Case 8, Ahmed Ali Nur Jim'ale and 23 entities[a] (Status: delisted)

Date	*Description*
17 March 2011	Transmission of case 8 to the Committee
23 September 2011	Comprehensive report submitted to the Committee
13 December 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
27 December 2011	Committee decision to delist six entities
21 February 2012	Committee decision to delist one individual and 17 entities
8 June 2012	Formal notification to petitioner with reasons

[a] Barakaat North America, Inc., Barakat Computer Consulting, Barakat Consulting Group, Barakat Global Telephone Company, Barakat Post Express, Barakat Refreshment Company, Al Baraka Exchange, LLC, Barakaat Telecommunications Co. Somalia, Ltd., Barakaat Bank of Somalia, Barako Trading Company, LLC, Al-Barakaat, Al-Barakaat Bank, Al-Barakaat Bank of Somalia, Al-Barakat Finance Group, Al-Barakat Financial Holding Co., Al-Barakat Global Telecommunications, Al-Barakat Group of Companies Somalia Limited, Al-Barakat International, Al-Barakat Investments, Barakaat Group of Companies, Barakaat Red Sea Telecommunications, Barakat International Companies and Barakat Telecommunications Company Limited.

Case 9, Saad Rashed Mohammed Al-Faqih and Movement for Reform in Arabia (Status: delisted)

Date	*Description*
19 April 2011	Transmission of case 9 to the Committee
21 February 2012	Comprehensive report submitted to the Committee
17 April 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
1 July 2012	Committee decision to delist
13 November 2012	Formal notification to petitioner with reasons

Case 10, Ibrahim Abdul Salam Mohamed Boyasseer (Status: delisted)

Date	*Description*
6 May 2011	Transmission of case 10 to the Committee
9 January 2012	Comprehensive report submitted to the Committee
1 March 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
8 May 2012	Committee decision to delist
3 August 2012	Formal notification to petitioner with reasons

Case 11, Mondher ben Mohsen ben Ali al-Baazaoui (Status: delisted)

Date	*Description*
1 June 2011	Transmission of case 11 to the Committee
19 January 2012	Comprehensive report submitted to the Committee
1 March 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
30 March 2012	Committee decision to delist
10 July 2012	Formal notification to petitioner with reasons

Case 12, Kamal ben Mohamed ben Ahmed Darraji (Status: delisted)

Date	*Description*
30 June 2011	Transmission of case 12 to the Committee
28 February 2012	Comprehensive report submitted to the Committee
3 April 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
4 May 2012	Committee decision to delist
3 August 2012	Formal notification to petitioner with reasons

Case 13, Fondation Secours Mondial (Status: amended[b])

Date	*Description*
7 July 2011	Transmission of case 13 to the Committee
14 December 2011	Comprehensive report submitted to the Committee
24 January 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
17 February 2012	Committee decision to amend
9 July 2012	Formal notification to petitioner with reasons

[b] Amended to be removed as an alias of Global Relief Foundation (QE.G.91.02.).

Case 14, Sa'd Abdullah Hussein al-Sharif (Status: delisted)

Date	*Description*
20 July 2011	Transmission of case 14 to the Committee
29 February 2012	Comprehensive report submitted to the Committee

Date	*Description*
3 April 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
27 April 2012	Committee decision to delist
5 June 2012	Formal notification to petitioner with reasons

Case 15, Fethi ben al-Rebei Absha Mnasri (Status: delisted)

Date	*Description*
4 August 2011	Transmission of case 15 to the Committee
9 March 2012	Comprehensive report submitted to the Committee
17 April 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
2 May 2012	Committee decision to delist
3 August 2012	Formal notification to petitioner with reasons

Case 16, Mounir Ben Habib Ben al-Taher Jarraya (Status: delisted)

Date	*Description*
15 August 2011	Transmission of case 16 to the Committee
9 March 2012	Comprehensive report submitted to the Committee
17 April 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
2 May 2012	Committee decision to delist
3 August 2012	Formal notification to petitioner with reasons

Case 17, Rachid Fettar (Status: delisted)

Date	*Description*
26 September 2011	Transmission of case 17 to the Committee
27 April 2012	Comprehensive report submitted to the Committee
5 June 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
20 June 2012	Committee decision to delist
19 December 2012	Formal notification to petitioner with reasons

Case 18, Al: Mohamed El Heit (Status: delisted)

Date	*Description*
5 October 2011	Transmission of case 18 to the Committee
2 May 2012	Comprehensive report submitted to the Committee
3 July 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
19 July 2012	Committee decision to delist
19 December 2012	Formal notification to petitioner with reasons

Case 19, Yassin Abdullah Kadi (listed as Yasin Abdullah Ezzedine Qadi) (Status: delisted)

Date	*Description*
16 November 2011	Transmission of case 19 to the Committee
11 July 2012	Comprehensive report submitted to the Committee
10 September 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
5 October 2012	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 20, Chabaane ben Mohamed ben Mohamed al-Trabelsi (Status: delisted)

Date	*Description*
21 November 2011	Transmission of case 20 to the Committee
23 April 2012	Comprehensive report submitted to the Committee
5 June 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
20 June 2012	Committee decision to delist
19 December 2012	Formal notification to petitioner with reasons

Case 21, Adel Abdul Jalil Ibrahim Batterjee (Status: delisted)

Date	*Description*
3 January 2012	Transmission of case 21 to the Committee
30 August 2012	Comprehensive report submitted to the Committee

Date	*Description*
6 November 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
14 January 2013	Committee decision to delist
5 September 2013	Formal notification to petitioner with reasons

Case 22, Ibrahim ben Hedhili ben Mohamed al-Hamami (Status: delisted)

Date	*Description*
6 February 2012	Transmission of case 22 to the Committee
25 September 2012	Comprehensive report submitted to the Committee
6 November 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
21 November 2012	Committee decision to delist
7 February 2013	Formal notification to petitioner with reasons

Case 23, Suliman Hamd Suleiman Al-Buthe (Status: delisted) (Repeated request)

Date	*Description*
23 February 2012	Transmission of case 23 to the Committee
9 October 2012	Comprehensive report submitted to the Committee
27 November 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
10 February 2013	Committee decision to delist
30 August 2013	Formal notification to petitioner with reasons

Case 24, Mamoun Darkazanli (Status: delisted)

Date	*Description*
28 February 2012	Transmission of case 24 to the Committee
12 November 2012	Comprehensive report submitted to the Committee
8 January 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
11 March 2013	Committee decision to delist
30 August 2013	Formal notification to petitioner with reasons

Case 25, Abdullahi Hussein Kahie (Status: delisted)

Date	*Description*
28 February 2012	Transmission of case 25 to the Committee
26 July 2012	Comprehensive report submitted to the Committee
10 September 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
26 September 2012	Committee decision to delist
19 December 2012	Formal notification to petitioner with reasons

Case 26, Usama Muhammed Awad Bin Laden (Status: delisted)
Ombudsperson case became moot following the Committee's decision of 21 February 2013

Date	*Description*
23 April 2012	Transmission of case 26 to the Committee
15 February 2013	Comprehensive report submitted to the Committee
21 February 2013	Committee decision to delist

Case 27, one individual (Status: denied)

Date	*Description*
7 May 2012	Transmission of case 27 to the Committee
11 February 2013	Comprehensive report submitted to the Committee
7 May 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
7 May 2013	Committee decision to retain listing
12 June 2013	Formal notification to petitioner with reasons

Case 28, one individual (Status: denied)

Date	*Description*
7 June 2012	Transmission of case 28 to the Committee
20 November 2012	Comprehensive report submitted to the Committee
8 January 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
8 January 2013	Committee decision to retain listing
29 January 2013	Formal notification to petitioner with reasons

Case 29, Muhammad 'Abdallah Salih Sughayr (Status: delisted)

Date	*Description*
25 July 2012	Transmission of case 29 to the Committee
9 April 2013	Comprehensive report submitted to the Committee
21 May 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
20 July 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 30, Lajnat Al Daawa Al Islamiya (LDI) (Status: delisted)

Date	*Description*
25 July 2012	Transmission of case 30 to the Committee
15 April 2013	Comprehensive report submitted to the Committee
2 July 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
3 September 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 31, Abd al Hamid Sulaiman Muhammed al-Mujil (Status: delisted)

Date	*Description*
1 August 2012	Transmission of case 31 to the Committee
13 March 2013	Comprehensive report submitted to the Committee
30 April 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
30 June 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 32, Mohamed ben Mohamed ben Khalifa Abdelhedi (Status: delisted)

Date	*Description*
19 September 2012	Transmission of case 32 to the Committee
5 March 2013	Comprehensive report submitted to the Committee

Date	*Description*
16 April 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
1 May 2013	Committee decision to delist

Case 33, Mohammed Daki (Status: delisted)

Date	*Description*
12 October 2012	Transmission of case 33 to the Committee
28 May 2013	Comprehensive report submitted to the Committee
30 July 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
16 August 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 34, Abdelghani Mzoudi (Status: delisted)
Ombudsperson case became moot following the Committee's decision of 18 March 2013

Date	*Description*
8 November 2012	Transmission of case 34 to the Committee
18 March 2013	Committee decision to delist

Case 35, International Islamic Relief Organization, Philippines, Branch Offices (Status: delisted)

Date	*Description*
13 December 2012	Transmission of case 35 to the Committee
5 September 2013	Comprehensive report submitted to the Committee
1 November 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
3 January 2014	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 36, International Islamic Relief Organization, Indonesia, Branch Offices (Status: delisted)

Date	*Description*
13 December 2012	Transmission of case 36 to the Committee
5 September 2013	Comprehensive report submitted to the Committee
1 November 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
3 January 2014	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 37, Jaber Abdullah Jaber Ahmed Al-Jalahmah (Status: delisted)[c]

Date	*Description*
4 February 2013	Transmission of case 37 to the Committee
5 September 2013	Comprehensive report submitted to the Committee
1 November 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
3 January 2014	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

[c] Jaber Abdullah Jaber Ahmed Al-Jalahmah was re-listed on the same date by a separate Committee decision.

Case 38, Moustafa Abbas (listed as Moustafa Abbes) (Status: delisted)

Date	*Description*
13 February 2013	Transmission of case 38 to the Committee
12 August 2013	Comprehensive report submitted to the Committee
13 September 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
30 September 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 39, Atilla Selek (Status: delisted)

Date	*Description*
13 February 2013	Transmission of case 39 to the Committee
2 October 2013	Comprehensive report submitted to the Committee
13 December 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
31 December 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 40, Youssef ben Abdul Baki Ben Youcef Abdaoui (Status: delisted)

Date	*Description*
4 March 2013	Transmission of case 40 to the Committee
14 November 2013	Comprehensive report submitted to the Committee
11 February 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
14 April 2014	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 41, L'hadi Bendebka (listed as Abdelhadi Ben Debka) (Status: delisted)

Date	*Description*
12 March 2013	Transmission of case 41 to the Committee
14 October 2013	Comprehensive report submitted to the Committee
3 December 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
18 December 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 42, Youcef Abbas (listed as Youcef Abbes (Status: delisted)

Date	*Description*
4 March 2013	Transmission of case 42 to the Committee
2 October 2013	Comprehensive report submitted to the Committee
15 November 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee

Date	*Description*
3 December 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 43, Said Yousef AbouAziz (listed as Said Youssef Ali Abu Aziza) (Status: delisted)
Ombudsperson case became moot following the Committee's decision of 26 August 2013

Date	*Description*
27 March 2013	Transmission of case 43 to the Committee
26 August 2013	Committee decision to delist

Case 44, one individual (Status: denied)

Date	*Description*
2 May 2013	Transmission of case 44 to the Committee
4 February 2014	Comprehensive report submitted to the Committee
21 April 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
21 April 2014	Committee decision to retain listing
30 July 2014	Formal notification to petitioner with reasons

Case 45, one individual (Status: denied)

Date	*Description*
6 May 2013	Transmission of case 45 to the Committee
9 December 2013	Comprehensive report submitted to the Committee
11 February 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
11 February 2014	Committee decision to retain listing
17 March 2014	Formal notification to petitioner with reasons

Case 46, Yacine Ahmed Nacer (Status: delisted)

Date	*Description*
10 May 2013	Transmission of case 46 to the Committee

Date	*Description*
30 December 2013	Comprehensive report submitted to the Committee
25 February 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
13 March 2014	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 47, Nabil Benatia (listed as Nabil ben Mohamed ben Ali ben Attia) (Status: delisted)

Date	*Description*
3 June 2013	Transmission of case 47 to the Committee
12 November 2013	Comprehensive report submitted to the Committee
13 December 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
31 December 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 48, Wael Hamzah Jelaidan (listed as Wa'el Hamza Abd al-Fatah Julaidan) (Status: delisted)

Date	*Description*
17 June 2013	Transmission of case 48 to the Committee
19 March 2014	Comprehensive report submitted to the Committee
24 June 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
25 August 2014	Committee decision to delist
29 October 2014	Formal notification to petitioner with reasons

Case 49, one individual (Status: denied)

Date	*Description*
24 June 2013	Transmission of case 49 to the Committee
4 April 2014	Comprehensive report submitted to the Committee
24 June 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee

Date	*Description*
24 June 2014	Committee decision to retain listing
10 September 2014	Formal notification to petitioner with reasons

Case 50, Al-Haramain Foundation (USA) (Status: delisted)

Date	*Description*
5 September 2013	Transmission of case 50 to the Committee
30 June 2014	Comprehensive report submitted to the Committee
26 August 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
25 October 2014	Committee decision to delist
29 December 2014	Formal notification to petitioner with reasons

Case 51, Aqeel Abdulaziz Aqeel Al-Aqeel (Status: delisted)

Date	*Description*
28 October 2013	Transmission of case 51 to the Committee
18 August 2014	Comprehensive report submitted to the Committee
31 October 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
2 January 2015	Committee decision to delist
3 March 2015	Formal notification to petitioner with reasons

Case 52, one individual (Status: denied)

Date	*Description*
27 May 2014	Transmission of case 52 to the Committee
18 February 2015	Comprehensive report submitted to the Committee
14 April 2015	Presentation of the comprehensive report by the Ombudsperson to the Committee
14 April 2015	Committee decision to retain listing
10 June 2015	Formal notification to petitioner with reasons

Case 53, Abd al-Rahman Muhammad Jaffar 'Ali (Status: delisted)

Date	*Description*
13 June 2014	Transmission of case 53 to the Committee
9 December 2014	Comprehensive report submitted to the Committee
29 January 2015	Presentation of the comprehensive report by the Ombudsperson to the Committee
31 March 2015	Committee decision to delist
12 May 2015	Formal notification to petitioner with reasons

Case 54, Abdul Rahim Hammad Ahmad al-Talhi (Status: delisted)

Date	*Description*
19 June 2014	Transmission of case 54 to the Committee
29 January 2015	Comprehensive report submitted to the Committee
17 March 2015	Presentation of the comprehensive report by the Ombudsperson to the Committee
17 May 2015	Committee decision to delist
22 July 2015	Formal notification to petitioner with reasons

Case 55, Ismail Mohamed Ismail Abu Shaweesh (Status: delisted)

Date	*Description*
23 June 2014	Transmission of case 55 to the Committee
10 November 2014	Comprehensive report submitted to the Committee
16 December 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
2 January 2015	Committee decision to delist
17 February 2015	Formal notification to petitioner with reasons

Case 56, one individual (Status: denied) (Repeated request)

Date	*Description*
5 September 2014	Transmission of case 56 to the Committee
21 April 2015	Comprehensive report submitted to the Committee
19 June 2015	Presentation of the comprehensive report by the Ombudsperson to the Committee

Date	*Description*
19 June 2015	Committee decision to retain listing
10 July 2015	Formal notification to petitioner with reasons

Case 57, one individual (Status: denied) (Repeated request)

Date	*Description*
9 September 2014	Transmission of case 57 to the Committee
8 June 2015	Comprehensive report submitted to the Committee
27 July 2015	Presentation of the comprehensive report by the Ombudsperson to the Committee
27 July 2015	Committee decision to retain listing
20 August 2015	Formal notification to petitioner with reasons

Case 58, one individual (Status: denied)

Date	*Description*
30 August 2014	Transmission of case 58 to the Committee
29 June 2015	Comprehensive report submitted to the Committee
24 August 2015	Presentation of the comprehensive report by the Ombudsperson to the Committee
24 August 2015	Committee decision to retain listing
30 October 2015	Formal notification to petitioner with reasons

Case 59, Al Sayyid Ahmed Fathi Hussein Eliwah (Status: delisted)

Date	*Description*
30 September 2014	Transmission of case 59 to the Committee
12 May 2015	Comprehensive report submitted to the Committee
19 June 2015	Presentation of the comprehensive report by the Ombudsperson to the Committee
18 August 2015	Committee decision to delist
2 September 2015	Formal notification to petitioner with reasons

Case 60, Mohammed Ahmed Shawki al Islambolly (Status: delisted)

Date	*Description*
10 November 2014	Transmission of case 60 to the Committee
13 July 2015	Comprehensive report submitted to the Committee
24 August 2015	Presentation of the comprehensive report by the Ombudsperson to the Committee
26 October 2015	Committee decision to delist
27 October 2015	Formal notification to petitioner with reasons

Case 61, Yasser Mohamed Ismail Abu Shaweesh (Status: delisted)

Date	*Description*
19 January 2015	Transmission of case 61 to the Committee
7 July 2015	Comprehensive report submitted to the Committee
24 August 2015	Presentation of the comprehensive report by the Ombudsperson to the Committee
9 September 2015	Committee decision to delist
6 November 2015	Formal notification to petitioner with reasons

Case 62, Abd al Wahab Abd al Hafiz (Status: delisted)

Date	*Description*
11 March 2015	Transmission of case 62 to the Committee
9 November 2015	Comprehensive report submitted to the Committee
23 December 2015	Presentation of the comprehensive report by the Ombudsperson to the Committee
11 January 2016	Committee decision to delist
22 January 2016	Formal notification to petitioner with reasons

Case 63, one individual (Status: denied)

Date	*Description*
12 March 2015	Transmission of case 63 to the Committee
10 November 2015	Comprehensive report submitted to the Committee
23 December 2015	Presentation of the comprehensive report by the Ombudsperson to the Committee

Date	*Description*
23 December 2015	Committee decision to retain listing
12 January 2016	Formal notification to petitioner with reasons

Case 64, one individual (Status: denied)

Date	*Description*
29 May 2015	Transmission of case 64 to the Committee
25 February 2016	Comprehensive report submitted to the Committee
20 April 2016	Presentation of the comprehensive report by the Ombudsperson to the Committee
20 April 2016	Committee decision to retain listing
9 June 2016	Formal notification to petitioner with reasons

Case 65, Farid Aider (Status: delisted)

Date	*Description*
27 August 2015	Transmission of case 65 to the Committee
26 February 2016	Comprehensive report submitted to the Committee
20 April 2016	Presentation of the comprehensive report by the Ombudsperson to the Committee
20 June 2016	Committee decision to delist
20 June 2016	Formal notification to petitioner with reasons

Case 66, one individual (Status: Committee phase)

Date	*Description*
15 October 2015	Transmission of case 66 to the Committee
15 June 2016	Comprehensive report submitted to the Committee

Case 67, Daniel Martin Schneider (Status: delisted)

Date	*Description*
3 February 2016	Transmission of case 67 to the Committee
29 April 2016	Comprehensive report submitted to the Committee

Date	*Description*
17 June 2016	Presentation of the comprehensive report by the Ombudsperson to the Committee
5 July 2016	Committee decision to delist

Case 68, one individual (Status: dialogue phase)

Date	*Description*
22 March 2016	Transmission of case 68 to the Committee
23 September 2016	Deadline for completion of the dialogue phase

Case 69, one individual (Status: information-gathering phase)

Date	*Description*
8 June 2016	Transmission of case 69 to the Committee
7 October 2016	Deadline for completion of the information-gathering phase

Case 70, one individual (Status: information-gathering phase)

Date	*Description*
12 July 2016	Transmission of case 70 to the Committee
14 November 2016	Deadline for completion of the information-gathering phase